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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 25, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

With our eyes fixed firmly on the coming of spring and on You, the creator of the whole universe, we resolve to hold fast to lasting values and the transcendent gifts of peace because of Your many blessings upon this Nation.

Yet we are called to renew our sense of equal justice and our equilibrium in a globalized world. Let the changes we embrace as disciplines because we are disciples in faith build our confidence in the future.

May prayer lift us beyond self-interest. May fasting bring us to the freedom to say, ''That's enough.'' May our prayer and fasting lead us to greater compassion for others and great deeds of charity for those most in need. Since we are created in Your own image and likeness, we see You reflected in all Your people, especially those whom we serve in Your holy name.

Amen.

THE JOURNAL

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

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

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

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

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

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

INCREASE REVENUE TO BALANCE THIS BUDGET

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

Mr. MORAN of Virginia. Mr. Speaker, America is blessed to be led by the most eloquent spokesperson on the planet, but Barack Obama very well knows, as we do, that it's not enough to talk the talk, you have to walk the walk. The first step on that very rocky road begins tomorrow with the budget submission.

If the private sector is not willing to make the loans, to start the businesses, to hire the people necessary to get this economy back on its feet, then the public sector has to step up to the plate. But if we are going to be faithful to our children's future, then we are going to have to pay for the cost of this stimulus package and this budget submission, and that means that we are going to have to increase revenue so that we can ultimately balance this budget.

Democrats did that during the Clinton administration, and it worked, we generated budget surpluses and people at the highest tax rates brought home more after tax income than at any other time in American history. I know we have the courage to do that today, but the Republican Party also has to come up with a more constructive mantra than just saying ''no.''

CHANGE OUR PRACTICES ON EARMARKS

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

Mr. FLAKE. Mr. Speaker, it was recently reported by Politico that ''FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.''

With this as a backdrop, today we will consider a privileged resolution asking the Ethics Committee to conduct an investigation. This is not a

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partisan resolution. It mentions no individual Member of Congress. It mentions no political party.

Over the past few years, we have seen outside investigations lead to indictments and convictions related to earmarks, yet we have done little to change our practices.

Today we will consider an omnibus spending bill containing nearly 9,000 earmarks, many of which are no-bid contracts to private companies, companies whose executives have, in addition to their lobbyists, contributed millions of dollars to Members who secured those earmarks. This simply isn't right.

Mr. Speaker, we owe this institution far more than we are giving it. Let's vote for this privileged resolution and give it the respect and dignity it deserves.

THE PEOPLE'S CHALLENGE

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

Mr. BRALEY of Iowa. Mr. Speaker, last night President Obama issued a call to action to the American people, and the American people are responding with a resounding ''Yes, we can.''

The problems that we face are many and enormous, and yet this is our challenge, it is our responsibility, and there is no better place than the people's House to do the people's business. Whether it's restoring confidence in our faltering financial markets, propping up a credit market that is nonexistent, focusing on the incredible housing problems we face in this country, and at the same time committing investments in our educational system, investments in our health care reform and making sure that we have an energy policy that takes our dependence away from foreign oil and redirects it to renewable energy here in the United States.

This is still the government of the people, by the people and for the people, and this is the people's challenge. The President cannot solve these problems on his own. We are all in this together. It's time for the American people to make a renewed commitment to this country, reinvest in the future of America and inspire us to the new level of responsibility in the world community.

GO TEXAN

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

Mr. POE of Texas. Mr. Speaker, this weekend over 4,000 trail riders will be arriving in Houston, Texas, and parade through downtown to kick off the world's largest rodeo and livestock show. These cowboys have been on the trail for days riding from towns all around Texas. With their horses, chuck wagons and barbecue, these riders are a mixture of lawyers, executives, doctors, refinery workers, teachers and kids. There are also some real cowboys.

The Houston Rodeo and Livestock Show started in 1931 when seven men decided over lunch at the Texas State Hotel that this event was needed. The Rodeo and Livestock Show uses 20,000 volunteers and raises over $11 million for scholarships for FFA students from all over Texas. The rodeo has featured such notable entertainers as Gene Autry, Roy Rogers, Elvis, George Strait and every major country singer in the world.

For 15 nights, 50,000 Houstonians ''Go Texan'' and ''Cowboy Up'' for not only the world's largest rodeo, but the world's largest barbecue cook-off. All of these events center around Texas Independence Day, March 2. But it is the trail riders that relive the past of the Old West by spending days on the trail that are the ones that start this excitement.

And that's just the way it is.

MEET OUR INDIVIDUAL RESPONSIBILITIES

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

Mr. YARMUTH. Mr. Speaker, I like to think that government is the way that we organize our responsibilities to each other.

Last night, President Obama gave a clear path to explain how this government can help us meet our responsibilities to each other. He mentioned government and laid a groundwork for government, not as a substitute for private initiative and private enterprise, but as a catalyst for private initiative and private enterprise.

As a facilitator and enabler he showed the way that this government can help people realize their ambitions and rebuild America in a much stronger position.

As we move forward in considering the agenda that President Obama has laid out, I hope that we will remember that not only do we call on individual Americans to meet their responsibilities to each other, but that we as Members of Congress meet our individual responsibilities to them and to make this government one that truly stands united in favor of the American people.

This was truly an inspirational charge that we were given last night, and I hope we all listen carefully.

NOW IS NOT THE TIME FOR TAX HIKES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, after just passing a $1 trillion spending plan, the Democrats in Congress claim they will tax and spend our way out of this economic gloom. I believe we should root out government waste before we add new government spending, and we don't want to increase taxes when folks are already feeling pinched by this tough economy.

In the Texas State House, the Speaker threatened to kick me off Ways and Means if I didn't vote to raise taxes. I just said ''no.'' When I didn't vote to raise taxes, they booted me off the committee. What can I say—there were no new taxes in Texas. How about America?

This Congress must approve a Federal spending freeze before we can consider tax hikes during these uncertain economic times. The last thing we need to do is push consumer confidence even lower. Let's take tax hikes off the table.

A CALL FOR ACTION FROM THIS NATION

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

Mr. WALZ. Mr. Speaker, last night President Obama issued a call for action from this Nation. He clearly laid out the economic situation that we are in right now, but, more importantly, he laid out a plan for growth, a plan that started a week ago with the passage of the American Reinvestment and Recovery Act.

What it did was it staunched the bleeding of jobs that we were losing at a rate of 600,000 in January, but it made a much more important investment in the future. President Obama laid out his priorities for the next budget, an investment in education, an investment in energy security and an investment in reining in the cost of health care.

I represent the southern Minnesota district that includes the Mayo Clinic. I also represent a district that is a leader in wind production and biofuels, not just nationwide but internationally.

I also had a guest last night, Chuck Ehler, the superintendent of a small school, Rushford-Peterson, in my district. That community was devastated by flooding that had a Federal disaster in 2007. It's a 103-year-old building.

The people and the citizens who will fuel our economic recovery are those citizens trying to learn in a building that will not work. We must invest in the future. That's how we repair our economy.

WE STAND READY TO WORK

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

Mr. WILSON of South Carolina. Mr. Speaker, House Republicans remain ready to tackle the tough challenges facing our Nation. Getting our economy back on track, providing affordable quality education and health care, and protecting American families are

of concern to every American and every Member of this body.

But there are differences. On the issue of raising taxes, House Republicans are concerned that this would destroy jobs in an already troubled economy. We oppose plans that will continue to borrow and spend. We believe the American people should keep more of their own money and government should limit its own budget.

Fiscal responsibility must mean we limit spending, not just raise taxes in order to build more government. We stand ready to work with our colleagues to make these tough decisions.

In conclusion, God bless our troops, and we will never forget September the 11th.

GIVE OUR TROOPS THE BEST POSSIBLE CHANCE FOR SUCCESS

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

Mr. BRIGHT. Mr. Speaker, last week I visited Iraq and Afghanistan for the first time as a Member of Congress.

The six-member bipartisan delegation met with soldiers, commanders, Iraqi and Afghanistan leaders and ordinary citizens. Though it was a truly eye-opening experience, it only strengthened my deep respect and gratitude for the men and women who serve in our military. They have always performed bravely and done everything we have asked them to do.

As we were in the Middle East, the President announced that an additional 17,000 troops would be sent to Afghanistan. Based on my observations in Afghanistan, a strengthened American presence is badly needed, along with a strong coalition. However, there should be a clear sense of mission with measurable goals in order to give our troops the best possible chance for success.

I look forward to working on the Armed Services Committee to ensure that we meet these goals and that our troops are always given the resources they need.

MONKEY BITE BILL

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

Mr. BISHOP of Utah. Mr. Speaker, yesterday in this House we passed a monkey bite bill, and whether one agrees with me that we spent millions of dollars to create a bureaucracy that does not solve the problem is insignificant.

What is significant is one considers the time we spent last year and this year. It is arguably the case that we have spent more time on this floor talking about monkey bites than we have in talking about a $400 billion spending package.

The President was exactly right last night when he said Americans will work their way through the situation, but history will judge whether the actions of this House have hindered or helped Americans in that quest to work their way through this situation and, indeed, the verdict may be mixed. But history will not forgive us if we abdicate our responsibility to be representatives of the people and know the details of the bills that come to the floor.

History will not forgive us if we simply declare an emergency and then wave our hands as billions and billions of American tax dollars just simply pass us by. Shame on us.

□ 1015

HONESTY CONCERNING THE BUDGET

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

Mr. PALLONE. Mr. Speaker, when I listen to some of the comments from my colleagues on the Republican side, I am surprised by the remarks they make about tax increases. If you look at the economic recovery package, it actually has one of the biggest tax cuts in this Nation's history. For most people, unless they are at $200,000 or above for a couple, something like that, they will actually be seeing a tax decrease or a tax cut as a result of the economic recovery package.

The President is being very honest about the budget. If you listened to him for the first time now, if you compare him to the previous administration, the budget is going to increase the actual cost of the Iraq war and the actual cost of Medicare reimbursements. A lot of those things were previously hidden.

In addition to that, most importantly, he talked about the need for deficit reduction. Yes, in fact we are spending money as part of the economic recovery package. We are giving tax cuts, and that does increase the deficit. But over the long term, over the 4 years, the goal is to cut the deficit in half.

It is a very responsible message that he gave last night; short-term efforts to achieve economic recovery, long-term efforts to reduce the deficit.

LESS GOVERNMENT AND REAL SPENDING REFORM NEEDED

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

Mr. FLEMING. Mr. Speaker, last night we heard the President in this very Chamber make the call for Congress to rise above the politics and to work together for the benefit of the American people, even though this side of the aisle has been shut out of virtually all related legislation.

The President called for fiscal responsibility, and I couldn't agree more. But I am perplexed that he would make this call sandwiched between the biggest wasteful bills that the liberals in Congress have ever submitted. We need to stop the runaway spending to fund programs that don't immediately put this country back on track for economic stability and which create even more deficits in years to come.

It is very foolish to spend heavily on an unprecedented number of earmarks, only to attempt to balance the budget on the backs of small businesses and those who work and save. Governor Jindal pointed out in his response how effective less government, less spending, and real government reform can be in my home State of Louisiana.

I say that instead of increasing dependence on government to run our daily lives, I strongly suggest that we let the entrepreneurial spirit and the work ethic of Americans with real leadership from Congress create the pathway out of our economic problems.

CONGRESS IS INVESTING IN THE FUTURE

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address our current economic crisis and the critical need for a budget that offers hope and confidence to the American people.

My colleagues and our citizens understand our Nation's dire fiscal crisis. Our Gross Domestic Product continues to shrink; auto sales are the worst in decades; personal incomes are declining and job losses continue to alarm us daily. In my own district, one of the Nation's most affluent, demand for food stamps has grown 73 percent over the last year, and local officials say the need is much greater and many simply do not apply.

Home values, the largest source of wealth in my district, have declined by as much 32 percent. These are staggering declines. Through September of 2008, there were thousands of foreclosures in Prince William and Fairfax Counties. Stock in Washington metropolitan businesses has declined 41 percent in 2008, a tremendous decrease in value.

However, there is hope. President Obama outlined a vision last night for long-term financial stability. The significant investment in infrastructure, the expansion of the green economy, the call to bring fiscal sanity back to health care embodied in the President's message bodes well for the future. I support his economic endeavor.

THE BEST SOLUTIONS COME FROM MAIN STREET, NOT PENNSYLVANIA AVENUE

(Mrs. MCMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCMORRIS RODGERS. Mr. Speaker, last night the Chamber was

full as President Obama outlined his priorities to solve the challenges that face America. And no matter the issue, I think it is so important that we remember that the best solutions come from Main Street, and not from Pennsylvania Avenue.

The biggest challenge that our Nation faces is the economy. Growing and expanding our economy starts with true tax relief that allows middle-class families and small businesses to keep more of their hard-earned money. It also involves investing in infrastructure and workforce so that we will be competitive.

Today we are scheduled to begin debate on the budget bill. Unfortunately, this bill is loaded with earmarks, over 9,000. One business owner in Spokane recently asked me, ''Do you in Washington, D.C. get it? Do you understand that small businesses, families, are having to tighten their belt, make tough decisions?''

We heard the call last night to start living within our means, and I applaud President Obama's commitment to reducing our national debt, just like families and small businesses have to do with their budgets. Now is the time for both parties to back up their promises for fiscal discipline.

I believe that the best solutions come when Republicans and Democrats work together. I look forward to working with Republicans and Democrats to solve these issues.

PUTTING NATIONAL SECURITY IN PERIL FOR POLITICAL EXPEDIENCY

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

Mr. HUNTER. Mr. Speaker, since Mr. Obama became the President, the economy has been his focus. But through executive orders and not so subtle hints in recent speeches, his administration has put some effort into making America less safe than it was 2 years ago.

Some examples: Throwing out the case against the USS *Cole* bomber; the closing down of Guantanamo; limiting our interrogation techniques; cutting defense spending; and announcing a troop surge in Afghanistan without the proper infrastructure or funding to support it.

The French just today released five terrorists that the United States released to them for prosecution. If even one of the brave men and women who carry the burden of our security on their shoulders in Iraq and Afghanistan are harmed by the fact that American operatives can no longer get timely information from the enemy through interrogation or are attacked by a prisoner released because of the closing of Guantanamo, if even one of our men and women in uniform pay the ultimate price for these reasons, it will be a sacrifice made so that President Obama can score political points with the liberal fringe of his party.

I am a United States Marine and I served in Iraq and Afghanistan, and I will not stand by while our national security is put in peril for political expediency. Let us not betray those who sacrifice for our freedom.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 47) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 47

Whereas there are more than 900,000 sworn law enforcement officers now serving in the United States;

Whereas law enforcement officers selflessly protect the people of the United States and communities throughout the country from harm;

Whereas law enforcement officers serve the country regardless of the peril to themselves;

Whereas more than 18,340 law enforcement officers have been killed in the line of duty since the first recorded police death in 1792;

Whereas September 11, 2001, was the deadliest day in law enforcement history with 72 officers killed while responding to the terrorist attacks;

Whereas 140 law enforcement officers were killed in 2008;

Whereas Public Law 87–726 designates May 15th of each year as Peace Officers Memorial Day, and Police Week is commemorated during the calendar week containing May 15;

Whereas section 7(m) of title 4, United States Code, requires that the United States flag on all government buildings be displayed at half-staff on May 15, Peace Officers Memorial Day; and

Whereas law enforcement officers deserve the gratitude of the people of the United States for their service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

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

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues and stand in full support of the consideration of House Resolution 47, which calls for Congress to recognize the goals and ideals of Peace Officers Memorial Day, which is commemorated on May 15th of each year during what is referred to as National Police Week. House Resolution 47 was introduced by our colleague Representative TED POE of Texas on January 9, 2009, and was considered by and reported from the Oversight Committee on February 11th, 2009, by a voice vote.

The measure has the support and cosponsorship of nearly 70 Members of Congress and is designed to acknowledge the work and commitment of more than 900,000 sworn law enforcement officers now serving throughout our great nation. Daily, these selfless men and women place their lives on the line, confronting great risk and challenges in their service to our communities and our fellow citizens, which is why it is so befitting for us to consider the measure at hand, House Resolution 47, supporting the goals and ideals of Peace Officers Memorial Day.

Over the course of 2008, our country lost nearly 180 law enforcement officers in the line of duty. In remembrance of these fallen heroes, today we in the House of Representatives take a moment to express our gratitude for the service of these courageous Americans by considering House Resolution 47.

By supporting the goals and ideals of Peace Officers Memorial Day, we are sending a strong message to our country's law enforcement community and their families that we recognize the sacrifices they have made in the name of safety and security for all of our cities, townships and localities.

I would like to specifically mention and thank those officers that serve throughout Bristol, Suffolk, Plymouth and Norfolk Counties in my own congressional district for their great work.

Commemorating Peace Officers Memorial Day dates back to 1962, when then President Kennedy signed Public Law 87–726 designating May 15th as Peace Officers Memorial Day and the week in which May 15 falls as National Police Week. Since that time, Congress has routinely expressed our support for the goals and ideals of this worthy cause.

I would like to again thank our colleague from Texas, Mr. POE, for reintroducing this year's measure honoring the work of our Nation's police officers, many of whom I might add will now be able to stay on the job because of the recent enactment of the American Recovery and Reinvestment Act.

Mr. Speaker, in the coming months, Peace Officers Memorial Day will be celebrated across our great land with various events, memorials and programs, all designed to highlight the work of these great Americans. In closing, let us too join in the commemoration of our country's law enforcement officers by agreeing to pass House Resolution 47.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H. Res. 47, supporting the goals and ideals of Peace Officers Memorial Day. Each year, the President issues a proclamation naming May the 15th as National Peace Officers Memorial Day. I decided to introduce this piece of legislation again because I believe that Congress should pay the tribute to the brave men and women who proudly serve us as law enforcement officers.

Americans have been protected by peace officers for now 217 years, and it all goes back to the early settlers in Boston that established a program called ''night watch'' to safeguard their citizens.

Not a day goes by that law enforcement officers do not face danger in their mission to keep us safe from crime, acts of violence and now terrorism. On May 17, 1792, New York City's Deputy Sheriff Isaac Smith, became the first recorded peace officer to be killed in the line of duty. Since that time, 18,340 peace officers have been killed while on the job. Each year, over 50,000 police officers are assaulted, and in 2008, 140 of these brave officers were killed protecting their fellow Americans. Of these 140 officers, 10 percent, 14, are from my home State of Texas.

A quote by President George H.W. Bush is engraved on the National Law Enforcement Officers Memorial located in Washington, DC that summarizes the mission of the 900,000 current sworn peace officers in this country. It states that it is an officer's ''continuing quest to preserve both democracy and decency and to protect a national treasure that we call the American dream.'' It is clear this quest is worthy of the respect that our citizens show for their peace officers.

In paying homage to these fallen heroes, we are once again reminded that in 1961 Congress created Peace Officers Memorial Day and designated it to be commemorated each year on May 15th. This yearly tribute to peace officers provides each of us with an opportunity to honor those who lost their lives while protecting the citizens of this country.

Thousands of visitors pay respect to our peace officers at the National Law Enforcement Memorial on May 15th. On May 15th of this year, a flag will be flown at half staff, as it always is on that date, to show respect and gratitude for the fallen peace officers who have made the ultimate sacrifice for our citizens.

We appreciate with gratitude all of the peace officers for their dedication and their sacrifice. During my 20 years as a judge in Texas, I had the absolute privilege of working alongside some of America's finest peace officers. Some of those have been killed in the line of duty. Now, as founder and cochair of the Congressional Victims Rights Caucus, I recognize that unfortunately peace officers are too victims, as many citizens are.

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And they are actually, Mr. Speaker, the last strand of wire in the fence between the law and those that violate the law. I'm grateful for the brave and selfless service of this Nation's peace officers.

With that, I ask all Members to join me in support of H. Res. 47.

I reserve the balance of my time.

Mr. LYNCH. We continue to reserve. We have no further speakers.

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

I would like to recognize two gentlemen that not too long ago in this Capitol, the People's House, on July 28, 1998, Jacob Chestnut and John Michael Gibson, Capitol police officers, while we were having a memorial ceremony here in the Rotunda, these two officers protected the lives of other Members of the House of Representatives, and because of that, both of them were killed in the line of duty. So they are two of many peace officers that gave up their lives for the rest of us.

I mentioned that there were 14 peace officers from the State of Texas that were killed last year. Mr. Speaker. They are:

Deputy Constable David Joubert from the Harris County Constable's Office.

Police Officer Matthew Thebeau from the Corpus Christi Police Department.

Corporal Harry Thielepap from the Harris County Constable's Office.

Senior Corporal Victor Lozada, Sr. from the Dallas Police Department.

State Trooper James Burns from the Highway Patrol in Huntsville, Texas.

Police Officer Everett Dennis from the Carthage Police Department.

Sergeant Barbara Shumate from the Texas Department of Criminal Justice.

Police Officer Gary Gryder, a personal friend of mine. He served in the Houston Police Department.

Detective Tommy Keen, Harris County Sheriff's Department.

Game Warden George Whatley, Jr. from the Texas Parks and Wildlife Division.

Sheriff Brent Lee of the Trinity County Sheriff's Department.

Police Officer Robert Davis from the San Antonio Police Department.

Police Officer Timothy Abernethy from the Houston Police Department.

Police Officer Mark Simmons from the Amarillo Police Department.

I would like to include at this time the names of all 140 peace officers killed last year in the line of duty.

Corporal Courtney G. Brooks, Maryland Transportation Authority Police Department, MD, EOW: Tuesday, January 1, 2008, Cause of Death: Vehicular assault.

Deputy Sheriff Jason S. Zunker, Chippewa County Sheriff's Department, WI, EOW: Saturday, January 5, 2008, Cause of Death: Struck by vehicle.

Detective James Walker, Miami Police Department, FL, EOW: Tuesday, January 8, 2008, Cause of Death: Gunfire.

Deputy Sheriff Sean Pursifull, Bell County Sheriff's Department, KY, EOW: Thursday, January 10, 2008, Cause of Death: Vehicular assault.

Deputy Constable David Joubert, Harris County Constable's Office—Precinct 7, TX, EOW: Sunday, January 13, 2008, Cause of Death: Motorcycle accident.

Police Officer Ricky Bryant Jr., DeKalb County Police Department, GA, EOW: Wednesday, January 16, 2008, Cause of Death: Gunfire.

Police Officer Eric Barker, DeKalb County Police Department, GA, EOW: Wednesday, January 16, 2008, Cause of Death: Gunfire.

Detective Jarrod Shivers, Chesapeake Police Department, VA, EOW: Thursday, January 17, 2008, Cause of Death: Gunfire.

Senior Border Patrol Agent Luis Alberto Aguilar, United States Department of Homeland Security—Customs and Border US (California), EOW: Saturday, January 19, 2008, Cause of Death: Vehicular assault.

Police Officer Matthew B. Thebeau, Corpus Christi Police Department, TX, EOW: Sunday, January 20, 2008, Cause of Death: Automobile accident.

Police Officer Akeem Basil (Teddy) Newton, Virgin Islands Police Department, VI, EOW: Sunday, January 20, 2008, Cause of Death: Automobile accident.

Detective Christopher A. Ridley, Mount Vernon Police Department, NY, EOW: Friday, January 25, 2008, Cause of Death: Gunfire (Accidental).

Trooper Daniel Roy Barrett, Indiana State Police, IN, EOW: Sunday, January 27, 2008, Cause of Death: Automobile accident.

Police Officer Nicola Cotton, New Orleans Police Department, LA, EOW: Monday, January 28, 2008, Cause of Death: Gunfire.

Lance Corporal James D. Haynes, South Carolina Highway Patrol, SC, EOW: Friday, February 1, 2008, Cause of Death: Automobile accident.

Sergeant Richard C. LeBow, Arkansas State Police, AR, EOW: Monday, February 4, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Dustin Duncan, Latimer County Sheriff's Office, OK, EOW: Monday, February 4, 2008, Cause of Death: Automobile accident.

Sergeant William King Biggs Jr., Kirkwood Police Department, MO, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Police Officer Thomas Frederick (Tom) Ballman, Kirkwood Police Department, MO, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Police Officer Randal (Randy) Simmons, Los Angeles Police Department, CA, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Criminal Investigator Denise Phoenix, United States Department of the Interior—Bureau of Indian Affairs, US (Montana),

EOW: Thursday, February 14, 2008, Cause of Death: Exposure to toxins.

Corporal Harry Thielepape, Harris County Constable's Office—Precinct 6, TX, EOW: Wednesday, February 20, 2008, Cause of Death: Gunfire.

Senior Corporal Victor A. Lozada Sr., Dallas Police Department, TX, EOW: Friday, February 22, 2008, Cause of Death: Motorcycle accident.

Police Officer Mark Beck, Baton Rouge City Police Department, LA, EOW: Monday, February 25, 2008, Cause of Death: Automobile accident.

Trooper Kara M. Kelly-Borgognone, Nevada Highway Patrol, NV, EOW: Thursday, February 28, 2008, Cause of Death: Automobile accident.

Police Officer Derek Owens, Cleveland Police Department, OH, EOW: Saturday, March 1, 2008, Cause of Death: Gunfire.

Special Agent Robert Patrick Flickinger, Chickasaw Lighthorse Police Department, TR (Oklahoma), EOW: Friday, March 7, 2008, Cause of Death: Automobile accident.

Sergeant Edward (Ned) Thompson, New York City Police Department, NY, EOW: Sunday, March 9, 2008, Cause of Death: 9/11 related illness.

Police Officer James D. Fezatte, Millbrook Police Department, AL, EOW: Saturday, March 29, 2008, Cause of Death: Automobile accident.

Border Patrol Agent Jarod Dittman, United States Department of Homeland Security—Customs and Border, US (California), EOW: Sunday, March 30, 2008, Cause of Death: Automobile accident.

Constable Joe Howard, Harlan County Constable's Office, KY, EOW: Tuesday, April 1, 2008, Cause of Death: Heart attack.

Correction Officer Kenneth Duncan, New York City Department of Correction, NY, EOW: Tuesday, April 22, 2008, Cause of Death: Gunfire.

Trooper James Scott Burns, Texas Department of Public Safety—Texas Highway Patrol, TX, EOW: Tuesday, April 29, 2008, Cause of Death: Gunfire.

Deputy Sheriff Robert Griffin, Decatur County Sheriff's Office, GA, EOW: Thursday, May 1, 2008, Cause of Death: Automobile accident.

Senior Investigator Laura J. Cleaves, Santa Barbara County District Attorney's Office, CA, EOW: Thursday, May 1, 2008, Cause of Death: Vehicular assault.

Deputy Sheriff William Howell Jr., Orangeburg County Sheriff's Office, SC, EOW: Saturday, May 3, 2008, Cause of Death: Gunfire.

Sergeant Stephen Liczbinski, Philadelphia Police Department, PA, EOW: Saturday, May 3, 2008, Cause of Death: Gunfire.

Special Agent Aaron Garcia, Union Pacific Railroad Police Department, RR (California), EOW: Wednesday, May 7, 2008, Cause of Death: Automobile accident.

Deputy Sheriff James Throne, Kern County Sheriff's Department, CA, EOW: Friday, May 23, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Michael Sean Thomas, Bibb County Sheriff's Office, GA, EOW: Sunday, May 25, 2008, Cause of Death: Motorcycle accident.

Sergeant Leslie (Les) Wilmott, Kiefer Police Department, OK, EOW: Thursday, May 29, 2008, Cause of Death: Automobile accident.

Lieutenant Michael Aviluceа, New Mexico State Police, NM, EOW: Friday, May 30, 2008, Cause of Death: Automobile accident.

Police Officer Erik David Hite, Tucson Police Department, AZ, EOW: Monday, June 2, 2008, Cause of Death: Gunfire.

Police Officer Everett William Dennis, Carthage Police Department, TX, EOW: Tuesday, June 3, 2008, Cause of Death: Automobile accident.

Transport Officer Virgil Lee Behrens, Marion County Sheriff's Department, IA, EOW: Tuesday, June 3, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Anthony Shane Tate, Grundy County Sheriff's Department, TN, EOW: Thursday, June 5, 2008, Cause of Death: Gunfire.

Police Officer Todd Bahr, Fredericksburg Police Department, VA, EOW: Friday, June 6, 2008, Cause of Death: Gunfire.

Sergeant Barbara Jean Shumate, Texas Department of Criminal Justice, TX, EOW: Friday, June 13, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Steve Boehm, Onslow County Sheriff's Department, NC, EOW: Saturday, June 14, 2008, Cause of Death: Struck by vehicle.

Deputy Sheriff Jose Antonio (Tony) Diaz, Yolo County Sheriff's Department, CA, EOW: Sunday, June 15, 2008, Cause of Death: Gunfire.

Trooper David Shawn Blanton Jr., North Carolina Highway Patrol, NC, EOW: Tuesday, June 17, 2008, Cause of Death: Gunfire.

Correctional Officer Jose Rivera, United States Department of Justice—Federal Bureau of Prisons, US (California), EOW: Friday, June 20, 2008, Cause of Death: Stabbed.

Police Officer Nicholas Heine, Pueblo Police Department, CO, EOW: Saturday, June 21, 2008, Cause of Death: Heart attack.

Correctional Officer Donna Fitzgerald, Florida Department of Corrections, FL, EOW: Wednesday, June 25, 2008, Cause of Death: Stabbed.

Sergeant Richard Findley, Prince George's County Police Department, MD, EOW: Friday, June 27, 2008, Cause of Death: Vehicular assault.

Police Officer Gary Gryder, Houston Police Department, TX, EOW: Sunday, June 29, 2008, Cause of Death: Vehicular assault.

Police Officer Richard Francis, Chicago Police Department, IL, EOW: Wednesday, July 2, 2008, Cause of Death: Gunfire.

Police Officer Kenneth (Greg) Surles, Pell City Police Department, AL, EOW: Friday, July 4, 2008, Cause of Death: Automobile accident.

Agent Osvaldo Pérez-León, Puerto Rico Police Department, PR, EOW: Tuesday, July 8, 2008, Cause of Death: Automobile accident.

Police Officer Joshua T. Miktarian, Twinsburg Police Department, OH, EOW: Sunday, July 13, 2008, Cause of Death: Gunfire.

Police Officer Andrew Widman, Fort Myers Police Department, FL, EOW: Friday, July 18, 2008, Cause of Death: Gunfire.

Deputy Sheriff Anthony Forgione, Okaloosa County Sheriff's Office, FL, EOW: Tuesday, July 22, 2008, Cause of Death: Gunfire.

Police Officer Aldo Rossi, Port Dickinson Police Department, NY, EOW: Sunday, July 27, 2008, Cause of Death: Vehicular assault.

Trooper Shawn W. Snow, New York State Police, NY, EOW: Sunday, August 3, 2008, Cause of Death: Electrocuted.

Detective Sandra Joyce Bullock, Bushnell Police Department, FL, EOW: Tuesday, August 5, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Dennis Compton, Colleton County Sheriff's Office, SC, EOW: Wednesday, August 6, 2008, Cause of Death: Gunfire.

Officer Monte Ruby, CoxHealth Department of Public Safety, MO, EOW: Wednesday, August 6, 2008, Cause of Death: Assault.

Agent Orlando Gonzalez-Ortiz, Puerto Rico Police Department, PR, EOW: Thursday, August 7, 2008, Cause of Death: Gunfire (Accidental).

Detective Michael Smith Phillips, Virginia Beach Police Department, VA, EOW: Thursday, August 7, 2008, Cause of Death: Gunfire.

Deputy Probation Officer Irene Beatrice Rios, Imperial County Probation Department, CA, EOW: Wednesday, August 13, 2008, Cause of Death: Automobile accident.

Lieutenant Robert Curry, Gulfport Police Department, MS. EOW: Thursday, August 14, 2008, Cause of Death: Motorcycle accident.

Deputy Sheriff Martha Woods Shareef, Lafourche Parish Sheriff's Department, LA, EOW: Wednesday, August 20, 2008, Cause of Death: Vehicular assault.

Ordinance Officer Kathy Ann Cox, Gordon County Sheriff's Office, GA, EOW: Thursday, August 21, 2008, Cause of Death: Automobile accident.

Police Officer Thomas Raji, Perth Amboy Police Department, NJ, EOW: Friday, August 22, 2008, Cause of Death: Vehicular assault.

Police Officer Melvin Dyer, Duxbury Police Department, MA, EOW: Monday, August 25, 2008, Cause of Death: Struck by vehicle.

Police Officer Timothy A. Haley, Columbus Division of Police, OH, EOW: Tuesday, August 26, 2008, Cause of Death: Duty related illness.

Trooper Evan F. Schneider, Montana Highway Patrol, MT, EOW: Tuesday, August 26, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Anne Jackson, Skagit County Sheriff's Office, WA, EOW: Tuesday, September 2, 2008, Cause of Death: Gunfire.

Officer Christopher Kane, Jacksonville Sheriff's Office, FL, EOW: Thursday, September 4, 2008, Cause of Death: Automobile accident.

Police Officer Isabel Nazario, Philadelphia Police Department, PA, EOW: Friday, September 5, 2008, Cause of Death: Vehicular assault.

Police Officer Kenneth Santucci, Belleville Police Department, NJ, EOW: Saturday, September 6, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Marty M. Martin, Franklin County Sheriff's Department, OH, EOW: Saturday, September 6, 2008, Cause of Death: Automobile accident.

Sergeant Paul Starzyk, Martinez Police Department, CA, EOW: Saturday, September 6, 2008, Cause of Death: Gunfire.

Trooper Andrew Stocks, North Carolina Highway Patrol, NC, EOW: Tuesday, September 9, 2008, Cause of Death: Automobile accident.

Sergeant Dario Aponte, New Haven Police Department, CT, EOW: Wednesday, September 10, 2008, Cause of Death: Automobile accident.

Police Officer Grant Jansen, St. Charles Police Department, MO, EOW: Wednesday, September 10, 2008, Cause of Death: Automobile accident.

Police Officer III Spree Desha, Los Angeles Police Department, CA, EOW: Friday, September 12, 2008, Cause of Death: Train accident.

Sergeant Michael C. Weigand Jr., Latimore Township Police Department, PA, EOW: Sunday, September 14, 2008, Cause of Death: Motorcycle accident.

Detective Tommy Keen, Harris County Sheriff's Department, TX, EOW: Monday, September 15, 2008, Cause of Death: Accidental.

Deputy Sheriff Adam William Klutz, Caldwell County Sheriff's Office, NC, EOW: Friday, September 19, 2008, Cause of Death: Gunfire.

Officer Kristine Fairbanks, United States Department of Agriculture—Forest Service Law Enforcement, US (Washington), EOW: Saturday, September 20, 2008, Cause of Death: Gunfire.

Sergeant Patrick McDonald, Philadelphia Police Department, PA, EOW: Tuesday, September 23, 2008, Cause of Death: Gunfire.

Police Officer Nathaniel Taylor Jr., Chicago Police Department, IL, EOW: Sunday, September 28, 2008, Cause of Death: Gunfire.

Trooper First Class Mickey C. Lippy, Maryland State Police, MD, EOW: Sunday, September 28, 2008, cause of Death: Aircraft accident.

Pilot Stephen H. Bunker, Maryland State Police, MD, EOW: Sunday, September 28, 2008, Cause of Death: Aircraft accident.

Sergeant Robert Douglas, Oklahoma City Police Department, OK, EOW: Sunday, September 28, 2008, Cause of Death: Motorcycle accident.

Correctional Officer Douglas Falconer, Arizona Department of Corrections, AZ, EOW: Wednesday, October 1, 2008, Cause of Death: Heart attack.

Correctional Officer Rodney Kelley, Alabama Department of Corrections, AL, EOW: Friday, October 3, 2008, Cause of Death: Automobile accident.

Police Officer Bradley Moody, Richmond Police Department, CA, EOW: Tuesday, October 7, 2008, Cause of Death: Automobile accident.

Deputy Sheriff David Gilstrap, Oconee County Sheriff's Office, GA, EOW: Thursday, October 9, 2008, Cause of Death: Struck by vehicle.

Game Warden George Harold Whatley Jr., Texas Parks and Wildlife Department—Law Enforcement Division, TX, EOW: Friday, October 10, 2008, Cause of Death: Heart attack.

Officer / Paramedic Bruce W. Harrolle, Arizona Department of Public Safety, AZ, EOW: Monday, October 13, 2008, Cause of Death: Aircraft accident.

Deputy Sheriff Christopher Yonkers, Barry County Sheriff's Office, MI, EOW: Friday, October 17, 2008, Cause of Death: Motorcycle accident.

Deputy Sheriff Sarah Irene Haylett-Jones, Monroe County Sheriff's Office, IN, EOW: Sunday, October 19, 2008, Cause of Death: Struck by vehicle.

Second Lieutenant Frank Stecco, Fairfax County Police Department, VA, EOW: Tuesday, October 21, 2008, Cause of Death: Drowned.

Police Officer David Tome, Northern York County Regional Police Department, PA, EOW: Tuesday, October 21, 2008, Cause of Death: Struck by vehicle.

Police Officer Richard Bremer, Frederick City Police Department, MD, EOW: Thursday, October 23, 2008, Cause of Death: Vehicle pursuit.

Deputy Sheriff Randy Hamson, Los Angeles County Sheriff's Department, CA, EOW: Friday, October 24, 2008, Cause of Death: Struck by vehicle.

Police Officer Shane Figueroa, Phoenix Police Department, AZ, EOW: Saturday, October 25, 2008, Cause of Death: Automobile accident.

Sergeant Michael King, University City Police Department, MO, EOW: Friday, October 31, 2008, Cause of Death: Gunfire.

Police Officer Frank P. Russo, Schaumburg Police Department, IL, EOW: Saturday, November 1, 2008, Cause of Death: Heart attack.

Detective Joseph Airhart Jr., Chicago Police Department, IL, EOW: Tuesday, November 4, 2008, Cause of Death: Gunfire.

Police Officer Nathaniel Burnfield, South Strabane Township Police Department, PA, EOW: Tuesday, November 4, 2008, Cause of Death: Struck by vehicle.

Police Officer Charles Skinner, North Salt Lake Police Department, UT, EOW: Friday, November 7, 2008, Cause of Death: Vehicle pursuit.

Deputy Sheriff Lawrence Canfield, Sacramento County Sheriff's Department, CA, EOW: Wednesday, November 12, 2008, Cause of Death: Motorcycle accident.

Sergeant Monty Carmikle, Arkansas Game and Fish Commission, AR, EOW: Sunday, November 16, 2008, Cause of Death: Aircraft accident.

Sergeant Timothy Simpson, Philadelphia Police Department, PA, EOW: Monday, November 17, 2008, Cause of Death: Vehicular assault.

Special Agent Samuel Hicks, United States Department of Justice—Federal Bureau of Investigation, US (Pennsylvania), EOW: Wednesday, November 19, 2008, Cause of Death: Gunfire.

Police Officer Alex Del Rio, Hollywood Police Department, FL, EOW: Saturday, November 22, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Nick Pham, Monroe County Sheriff's Office, FL, EOW: Wednesday, November 26, 2008, Cause of Death: Automobile accident.

Sheriff Brent Lee, Trinity County Sheriff's Department, TX, EOW: Thursday, November 27, 2008, Cause of Death: Vehicle pursuit.

Reserve Officer Curtis Jones, New Orleans Police Department, LA, EOW: Saturday, November 29, 2008, Cause of Death: Automobile accident.

Police Officer Robert Davis, San Antonio Police Department, TX, EOW: Monday, December 1, 2008, Cause of Death: Struck by vehicle.

Police Officer Timothy Abernethy, Houston Police Department, TX, EOW: Sunday, December 7, 2008, Cause of Death: Gunfire.

Deputy Sheriff Brian Denning, Sumner County Sheriff's Department, TN, EOW: Monday, December 8, 2008, Cause of Death: Automobile accident.

Senior Trooper William Hakim, Oregon State Police, OR, EOW: Friday, December 12, 2008, Cause of Death: Bomb.

Captain Tom Tennant, Woodburn Police Department, OR, EOW: Friday, December 12, 2008, Cause of Death: Bomb.

Officer Joseph Sanders, California Highway Patrol, CA, EOW: Monday, December 15, 2008, Cause of Death: Struck by vehicle.

Police Officer Mark Simmons, Amarillo Police Department, TX, EOW: Wednesday, December 17, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Jeremy Keith Carter, Evangeline Parish Sheriff's Department, LA, EOW: Friday, December 19, 2008, Cause of Death: Duty related illness.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again, I urge my colleagues, in memory of Officers Chestnut and Gibson and others that have been named by my friend from Texas, to join me and Mr. POE of Texas in supporting the goals and ideals of Peace Officers Memorial Day by voting in favor of House Resolution 47.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 47.

The question was taken.

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

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF AMERICA SAVES WEEK

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 180) supporting the goals and ideals of the third annual America Saves Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 180

Whereas financial security is one of the most important issues for most Americans whether it involves saving enough for their children's college education, saving for an unforeseen emergency, a house, or their retirement;

Whereas personal savings as a percentage of disposable income has been low, reaching a 12-month average of 0.6 percent in 2007 before rebounding to a 12-month average of 1.7 percent in 2008, according to Bureau of Economic Analysis data;

Whereas 43.5 percent of American families reported they did not save in 2007, according to the 2007 Federal Reserve Board's Survey of Consumer Finances, which also found that less than half of the population has a savings account, one month of savings or liquid assets, much less the recommended 6 to 12 months worth of emergency savings they might need for an incident such as unexpected unemployment, a medical crisis, rent or a mortgage payment adjustment enabling them to avoid foreclosure;

Whereas a 2008 Survey by the Employee Benefit Research Institute found that there are ''savers'' and ''spenders'' in all income classes and almost all have the ability to build wealth through contributions to a workplace retirement program, building home equity, and other savings;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income according to a 2009 Social Security Administration report on Income of the Elderly over Age 55, 2006, and the average savings of retirees remains at $50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and the current financial crisis is draining those funds;

Whereas America Saves, managed by the Consumer Federation of America, was established 8 years ago as an annual nationwide campaign that encourages consumers, especially lower-income households, to enroll as American Savers and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas America Saves now has 53 local, State and national campaigns working with over 500 mainstream financial institutions which provide no-fee or low-fee, low-opening-balance savings accounts that allow small savers to achieve success;

Whereas government and non-government entities at the local, State and national levels organize America Saves campaigns to encourage individuals to open a savings account, participate in workplace retirement programs, and devise a savings plan;

Whereas over 1,000 local, State, and national organizations have motivated more than 145,000 people to enroll as American Savers; and

Whereas establishing automatic and habitual savings is a primary focus for this year's America Saves Week, a theme reflected in the work of the Financial and Economic Literacy Caucus, Federal agencies, non-profits,

community-based groups, private sector organizations, and the Employee Benefit Research Institute and its America Savings Education Councils Choose-to-Save Campaign: Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of ''America Saves Week'';

(3) acknowledges the tireless efforts of the late Congresswoman Stephanie Tubbs Jones to eliminate predatory lending, increase the nation's savings rate, and improve the overall economic situation of all those residing in the United States; and

(4) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in strong support of House Resolution 180, supporting the goals and ideals of the third annual America Saves Week, which runs from February 22 to March 1.

Mr. Speaker, I want to take this opportunity to thank Chairman FRANK for his assistance in bringing this important and timely resolution to the House floor.

I also want to express my sincere appreciation for all that my friend, Congresswoman JUDY BIGGERT, has done over the years to help improve the financial literacy rates for all the individuals across the United States at all stages of life. In 2004, she and I cofounded and currently co-chair the Financial Economic Literacy Caucus. Without Congresswoman BIGGERT, I don't think we would have gotten as far as we have promoting financial literacy and, hopefully, making a measurable difference. I must say that we definitely have let the financial literacy genie out of the bottle.

I also want to take this opportunity to thank Congresswoman BIGGERT's staff, Nicole Austin and Zachary Cikanek and all they are doing to help JUDY and me to attain our goal.

Financial literacy is one of the most important issues for most Americans, whether it involves saving enough money for their children's college education, saving for an unforeseen emergency, a house, maybe a car, or their retirement.

The personal savings rate has been low, reaching a 12-month average of 0.6 percent in 2007 before rebounding to a 12-month average of 1.7 percent in 2008. The 2007 Federal Reserve Board's Survey of Consumer Finances found that only 44 percent of American families reported that they did not save in 2007. Furthermore, the survey found that less than half of the population has the following: number 1, a savings account; number 2, a month of savings or liquid assets; and number 3, the Federal Reserve Board's survey also found that those folks residing in the United States don't have 6 to 12 months worth of emergency savings they might need for an incident such as unexpected unemployment, a medical crisis, rent or a mortgage payment adjustment enabling them to avoid foreclosure.

Research has found that there are savers and there are spenders in all income classes, and almost all have the ability to build wealth through contributions to a workplace retirement program, building home equity and other savings.

Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the current elderly population relies on Social Security for three-fourths of their annual income. What I find even more alarming is that the average savings of retirees remain at $50,000, and the current financial crisis is draining those funds.

To shed light on all these shortcomings, as well as provide ways to address them, America Saves, managed by the Consumer Federation of America, was established 8 years ago as an annual nationwide campaign that encourages consumers, especially lower income households, to enroll as American savers and establish a personal savings goal in an effort to build personal wealth and to enhance financial security. America Saves now has 53 local, State and national campaigns working with over 500 mainstream financial institutions like banks, which provide no-fee or low-fee or low-opening-balance savings accounts that allow small savers to achieve success.

Government and non-government entities at the local, State and national levels organize America Saves campaigns to encourage individuals to open savings accounts, to participate in workplace retirement programs, and devise a savings plan. As a result of America Saves, over 1,000 local, State and national organizations have motivated more than 145,000 people to enroll as American savers.

The primary focus of this year's America Saves Week is establishing an automatic and habitual savings, a theme reflected in the work of the Financial and Economic Literacy Caucus, Federal agencies, non-profits, community-based groups, private sector organizations and the Employee Benefit Research Institutes and its America Savings Educational Council's Choose to Save Campaign. I personally have a 5 percent deduction made from my payroll check and have it placed into my savings account in the Federal Thrift Savings Program.

I want to acknowledge the tireless efforts of the late Congresswoman Stephanie Tubbs Jones to eliminate predatory lending, increase the Nation's savings rate, and to improve the overall economic situation of all those residing in the United States. I respected her personally, and want all those listening today, and for all those who will read today's CONGRESSIONAL RECORD far into the future, to know how much we respected her, that we miss her and honor her today for her relentless dedication to protecting consumers at a very difficult time. Through her efforts and hopefully, now those of the Financial and Economic Literacy Caucus, Congresswoman BIGGERT and I cofounded and now co-chair, we hope to protect our constituents and encourage savings.

I am very pleased that Federal agencies, States, localities, schools, nonprofit organizations, businesses, other entities and the people of the United States are observing the third annual America Saves Week with a goal of increasing the savings rates for individuals of all ages and of all walks of life.

I strongly encourage my colleagues to support this important resolution.

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

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

Mr. Speaker, I rise today as the lead Republican cosponsor of the America Saves Week resolution, and urge my colleagues to support it.

I'd like to thank my good friend and fellow Chair of the House Financial and Economic Literacy Caucus, Congressman HINOJOSA, for sponsoring this important resolution and for all the work that he has done on financial literacy.

In addition, I'd like to join Congressman HINOJOSA in honoring and thanking the late Congresswoman Stephanie Tubbs Jones, who previously sponsored the resolution in the House and was a strong advocate for financial literacy throughout her career. She was a dear friend and will be remembered always.

Mr. Speaker, in our current economic climate, the need to improve the financial literacy and the financial security of Americans is greater than ever. Now more than ever, it is clear that promoting savings is critical to ensuring that families have the economic buffer they need to weather periods of economic hardship. And efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to thrive in today's sophisticated market.

This resolution emphasizes the importance of savings and achieving financial security. Less than half the

population has a savings account, 1 month of savings or liquid assets, let alone the recommended 6 to 12 months of savings to have on hand in case of unforeseen events such as a medical issue or job loss. There are no rainy day things that people have today.

In conjunction with America Saves Week, this resolution encourages Americans to plan ahead for such unexpected events and grow wealth, not debt. Controlling expenses and increasing savings each month will prove to be invaluable in improving the financial security of Americans.

I strongly urge my colleagues to support this resolution and encourage savings during America Saves Week and throughout the year.

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

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

Mrs. BIGGERT. Mr. Speaker, I would like to yield 4 minutes to my colleague from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank my colleague.

I have enjoyed working with my good friend, Congressman HINOJOSA. We in the Texas delegation, I know, Mr. HINOJOSA knows, we work more closely together, I think, than almost any delegation in the country and take a great deal of pride in being Texans.

□ 1045

I thank my colleague for his earnest and sincere resolution which he presents to the Congress today in an effort to encourage individual Americans to increase their savings. My good friend JUDY BIGGERT has coauthored this, and it is a noble and worthwhile resolution.

However, as we, the Congress, adopt this resolution that designates this week as America Saves Week, I think it's important to point out, Mr. Speaker, the incredible and dramatic contrast between the goal we are setting here today for individual Americans and the complete opposite direction that the leadership of this Congress and the President pointed out last night.

I am reminded that Will Rogers often said he didn't tell jokes; he just reported on what Congress did. Today, Congress is asking the American people to save money; yet this new liberal majority in Congress has spent more money in less time than has any Congress in history. Today is the 20th legislative day we've been in session, and counting the $400 billion appropriations bill on the floor today, we have already spent about $1.3 trillion—all of it debt. The United States Congress is paying our mortgage with a credit card; yet we're passing a resolution to encourage America to save money. This is absurd.

We have today the new governing majority in Congress, the new President. This new direction he has taken us in is off a financial cliff. Yet we're telling Americans to save more money? Every nickel we spend today this Congress is putting on our children's credit card. We are literally, Mr. Speaker, paying America's mortgage with a credit card. It is unaffordable and unsustainable. Last night, the President laid out all of the new spending programs piled on top of this. It really does remind me of what Will Rogers said, that he didn't tell jokes; he just reported on what Congress did. This is a wonderful goal for not only individual Americans but for the United States Congress.

How about let us really have the United States Congress follow some of the guidelines in this resolution. Let us make sure that we in Congress are not spending more than we bring in, as we tell individual Americans to do. Let us make sure that we in Congress have enough of a cushion, as the resolution tells individual Americans, so that we can be ready and that we want individual Americans to be ready ''for an incident such as an unexpected crisis.''

Are we ready for an earthquake in California, America? Are we ready for another hurricane? What about a terrorist attack? What financial cushion does America have to pay for the cost of another 9/11 when this Congress has driven America deeper into debt than any Congress in the history of the United States? Never before have so few spent so much money in so little time with so little regard for the financial security of future generations.

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

Mrs. BIGGERT. I yield the gentleman an additional 30 seconds.

Mr. CULBERSON. Mr. Speaker, I think it's important to remember that Americans have always taken pride in the fact that we, current generations, have always sacrificed today so that our children would live a better life.

It is important, I think, for the Congress, for this liberal majority and for this new President to take my good friend Mr. HINOJOSA's and Mrs. BIGGERT's resolution to heart. Let us quit spending money we don't have. Let this Congress quit living beyond its means, and let it truly secure the financial safety and security of future generations by cutting spending and cutting taxes to get this economy back on track. Walk away from these massive new expansions of entitlements. We've already spent $1.3 trillion in the first 20 days. We've almost doubled the annual budget of the United States in one stroke.

Mr. HINOJOSA, Mrs. BIGGERT, thank you for bringing this resolution to Congress. Let us make sure that Congress saves.

Mr. HINOJOSA. Mr. Speaker, I am quite surprised to hear the thoughts and ideas of my friend from Texas, and I am of the total opposite belief.

I say that saving at this time is the right thing for America, and that is why we saw such an increase in savings in 2008, because the American public has lost confidence, has lost hope in what happened to the stock market in 2008. So I say that Americans are correct in saving their money in ways that they know how and that they follow the ideas that this organization that Mrs. BIGGERT and I have been championing, because it is the right thing to do. I urge all Members of this Congress to vote in favor of this resolution.

I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, before I close, I would also like to thank Greg Davis of Mr. HINOJOSA's staff and Andrea Pivarundas from my staff, as well as Nicole Austin, for their work on this resolution. I would also like to thank Dallas Salisbury of EBRI and all of the other individuals and groups promoting savings in America. Particularly, I would like to thank Chairman HINOJOSA for all the work that he has done on this issue. I have enjoyed working with him. Thank you.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 180.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, de novo;

House Resolution 47, by the yeas and nays;

House Resolution 180, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 169, not voting 16, as follows:

[Roll No. 80]

YEAS—246

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

NAYS—169

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carney
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Holt
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Pence
Perlmutter
Peterson
Petri
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Campbell
Cassidy
Clay
Gohmert
Gutierrez
Hirono
Lummis
McHenry
Miller, Gary
Perriello
Platts
Ross
Rush
Stark
Wu

□ 1118

Ms. GRANGER and Mr. BURGESS changed their vote from ''yea'' to ''nay.''

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

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 80, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 47, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 47.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 81]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Cassidy
Clay
Miller, Gary
Perriello
Platts
Rush
Ryan (OH)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1127

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICA SAVES WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 180, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 180.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 14, as follows:

[Roll No. 82]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—14

Berman
Campbell
Cassidy
Clay
Himes
Inslee
Issa
Miller, Gary
Perriello
Platts
Rush
Ryan (OH)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1134

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 184

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall

be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. House Resolution 158 is laid on the table.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 184 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the conference report, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore (Mr. WEINER). The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed, the gentleman from Massachusetts, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, this point of order is against the bill because it may contain unfunded mandates. We have in this body a question of consideration where we shouldn't move ahead with a bill if it might contain unfunded mandates.

Mr. Speaker, the point I want to make is we have no idea whether this contains unfunded mandates or not. I can't tell you definitively if it does, and here's why:

This is the bill. This is the bill that we received less than 48 hours ago. It contains, for example, roughly 9,000 earmarks. Now, somebody please correct me if I'm wrong, but I don't believe in my time here—it's getting heavy. I'll put it down. In my time here in 8 years I don't think I have ever seen a bill, and I know that it didn't happen prior to my time here, where one single bill has contained this many earmarks, 9,000. And let me point out this is a combination of nine bills, only three of which went even through the Committee on Appropriations. The rest of them didn't even go through the full committee, just the subcommittee. We didn't have the ability to go to the floor and challenge any of these. That just wasn't available to us.

So here we are today with this stack that we just got less than 48 hours ago and we are told that we have to pile through and try to see if these 9,000 earmarks, which is part of a spending bill that spends $410 billion, to see if they're valid, to see if there is a Federal nexus, to see if there might be anything untoward. We don't know. None of us can actually go through that, and so we shouldn't proceed with consideration of this bill.

One way to look at it is that there are 9,000 earmarks in the bill. The way that we should look at it as well, and I don't know how many, nobody can tell me how many, but it's a safe bet to assume there are a few thousand, at least, no-bid contracts. These are earmarks that go to private companies that nobody else has a chance to bid on.

Now, one of the best lines I felt that the President used last night, and it was one of the greatest applause lines that we had and justifiably so, the President said we have had no-bid defense contracts with regard to Iraq, and we shouldn't. And the whole place erupted in applause. I myself stood up. We shouldn't do that. Yet in this piece of legislation, we have at least a few thousand no-bid contracts. No-bid contracts that are going to private companies whose executives and the lobbyists who represent them have contributed millions of dollars to Members in this body, the same Members who have requested those earmarks.

Now, one need not suggest that there is anything untoward in any of them only to suggest that somebody on the outside certainly thinks there is. There is one group, the PMA group, who makes a habit of requesting a lot of earmarks in bills. In fact, in the 2008 defense bill, they got $300 million in earmarks for their clients from this body. That same lobbying firm has clients receiving a dozen or so earmarks in this bill. These are earmarks to private companies. These are no-bid contracts that we are doing that we all stand up and applaud when the President says we shouldn't have no-bid contracts going to private companies, and yet in this piece of legislation we are going to consider today, unless we stop consideration, we're going to be approving thousands of no-bid contracts to private companies.

Now, can anybody in this body stand to tell me that that is right and proper? Are we upholding the dignity of the House and the decorum of the House by doing so? We know that there is an investigation going on right now of one of those firms that sought earmarks and received earmarks in this bill. A lobbying firm received several for their clients. Yet they remain in this piece of legislation.

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

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

Once again, Mr. Speaker, my colleagues on the other side of the aisle are using this procedural maneuver to try to prevent consideration of an important piece of legislation.

Technically, the point of order is about whether or not to consider this rule and ultimately the underlying bill. But we all know that it's really about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the merits of the legislation itself.

I oppose any effort to shut down debate in consideration of this bill, and I urge my colleagues to vote ''yes'' so we can consider this important piece of legislation on its merits and not kill it on a procedural motion.

□ 1145

The underlying bill we are talking about represents the compilation of nine appropriations bills from last year. There is important funding in here for health care, for education, for transportation, to help move our economy forward. Those who oppose the bill can vote against it on final passage, but we must consider this rule, and we must pass this legislation today.

Mr. Speaker, I have the right to close, but, in the end, I will urge my colleagues to vote ''yes'' to consider the rule, and I reserve the balance of my time.

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

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

Mr. FLAKE. The gentleman makes a point that we should discuss the merits of the bill. This point of order is raised against continuing because we don't know if there are unfunded mandates in the bill.

Again, I will yield to the gentleman if he can assure me that there are no unfunded mandates in this bill, if he can say that he has read this piece of legislation or that he knows that there are none, because I think that it's incumbent upon us.

I will yield to the gentleman if he can make that assurance.

Mr. MCGOVERN. I thank the gentleman for yielding.

I will say to the gentleman, as far as I know, there are no unfunded mandates in this bill.

Mr. FLAKE. Thank you. As far as I know, there might be, there may not be.

But I can tell you, when you have a bill this large that we got just 48 hours ago, we simply don't know.

Typically, several years ago, we were having problems, we had Members of this body who were indicted and were convicted and are now in jail for earmark abuse. We said at that time that we should have reform, we should have transparency. We got some transparency, and that's great, and I applaud the other side of the aisle for doing what they did to bring this about.

Transparency, sunlight always illuminates, but doesn't always disinfect, contrary to popular belief. You have to follow up transparency with something else.

Some may say we have a transparent process now because we got copies of 9,000 earmarks 48 hours in advance of considering the legislation, but I don't have the ability, nor does any Member of this body, to actually challenge any of the 9,000 earmarks contained in this legislation.

Typically, appropriation bills come to the floor under an open rule, which allows Members of Congress to challenge specific earmarks. Are there one of these no-bid contracts, for example, that was lobbied for by the PMA group, a group that is now under Federal investigation that has since imploded just days after it was revealed they were under investigation?

Are some of these earmarks, perhaps, untoward? Many people would actually like to challenge that, have the author, have the one who secured the earmark come to the floor and defend that earmark: ''Here is why this company deserves a no-bid contract. Here is why I know, as a Member of Congress, that nobody else can provide the services that they can provide, and they deserve a no-bid contract. Here is why.'' We aren't allowed to do that, because this legislation is coming to the floor under a closed rule and no amendments like that are even offered. I can't challenge any earmarks in this legislation, nor can anybody in this body. It's one vote for the whole package.

We are better than that. The people who sent us here deserve better than that. This great institution deserves better than that. Let's not proceed with consideration of this legislation.

I reserve the balance of my time.

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

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

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. FLAKE. Mr. Speaker, later today we will be considering a privileged resolution that is brought to the floor to ask the Ethics Committee to investigate the relationship between earmarks and campaign contributions.

We know, as I mentioned, that the Department of Justice is currently conducting that kind of investigation. Politico reported just a few days ago that several sources have said that the Department of Justice has been building a case based on earmarks and campaign contributions or investigating earmarks and campaign contributions.

Yet our own Ethics Committee guidelines state that earmarks that are received from those who we get a no-bid contract for are proper and not a problem.

My fear is that our own Ethics Committee here in the House has a different standard, a more lax standard than, perhaps, the Department of Justice has. And Members of Congress, who are securing earmarks or no-bid contracts for private companies, might be exposed more than they think they are.

And even if they aren't, upholding the dignity and decorum of this body dictates that we do something more here, that we actually have a process that is above reproach. And when you have investigations swirling out there over lobby firms and others, we aren't upholding the decorum and dignity of this body.

This resolution that we will consider later today is not a partisan resolution. No Member is mentioned. No party is mentioned. And before you vote to table this resolution, to kill it, please consider, don't we deserve better here?

Shouldn't we have a standard that's higher than indictment and conviction? Don't the people who sent us here deserve a little better than that?

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

Mr. MCGOVERN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 9 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I am going to urge my colleagues to vote ''yes'' on this motion so we can consider the underlying bill, which is a compilation of nine appropriations bills, which really represents kind of a completion of last year's work. There is money in here for important transportation projects, for health care projects, for education projects, all very important to get our economy moving again.

I would also say that the earmark process has been much improved since the Democrats took control of the Congress. There is more transparency, as the gentleman conceded, and I think there is more scrutiny given to individual earmarks.

But let me just say one other thing. I believe in the integrity, in the character of every single person that serves in this Congress, and I believe the people, Republicans and Democrats, do the best they can for their constituents. And I really take exception when the character of individuals in this Congress is brought into question and somehow a vague allegation is out there that there is something sinister going on.

The bottom line is that the vast majority of these earmarks go to things like emergency rooms at hospitals, go to bridges to help rebuild infrastructure, go to help schools and to help kids get an education.

I would say to the gentleman if he is uncomfortable with this process, that he should know that 40 percent of the earmarks that are in these underlying bills are Republican earmarks. And so that old saying, ''Physician, heal thyself,'' I would suggest that he bring this up to members of his own conference.

But I believe that these bills represent the hard work of Republicans and Democrats. There are good things in these bills. We need to move forward on this. We can't delay. If we delay, I think it will have a negative impact on our economy.

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

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 20, as follows:

[Roll No. 83]

YEAS—234

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

Wasserman Schultz	Watt	Wexler
Waters	Waxman	Wilson (OH)
Watson	Weiner	Woolsey
	Welch	Yarmuth

NAYS—177

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

NOT VOTING—20

Barton (TX)	Frank (MA)	Schwartz
Boehner	Lee (NY)	Sestak
Buyer	Miller, Gary	Stark
Campbell	Perriello	Thompson (MS)
Capuano	Platts	Van Hollen
Cassidy	Rangel	Wu
Davis (TN)	Rush	

□ 1217

Messrs. CALVERT, McHENRY and SMITH of New Jersey changed their vote from ''yea'' to ''nay.''

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

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 83, had I been present, I would have voted "yea."

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

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. McGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 184.

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

There was no objection.

Mr. McGOVERN. Mr. Speaker, H. Res. 184 provides for the consideration of H.R. 1105, the Omnibus Appropriations Act of 2009. The rule provides 1 hour of debate controlled by the Committee on Appropriations, and one motion to recommit with or without instructions. The rule also self-executes an amendment that blocks the automatic cost-of-living adjustment due to be provided to Members of Congress in 2010.

Mr. Speaker, I rise in support of this rule and in support of the Fiscal Year 2009 Omnibus Appropriations Act.

This bill, Mr. Speaker, represents the completion of last year's work. We are in this position today for one principal reason, George W. Bush failed to provide budgets that reflected the real needs of the American people. And his philosophy was essentially ''my way or the highway.''

If he had gotten his way last year, he would have cut energy efficiency, renewable energy and weatherization programs. He would have cut education by eliminating vocational education programs, slashing higher education programs, and cutting programs to help teachers and improve technology. He would have cut healthcare access programs, even as the number of uninsured Americans grew. He would have frozen biomedical research funding and cut the Centers for Disease Control. And he would have cut State and local law enforcement grants and job training, employment services and worker protections curing this economic crisis.

So today, our job is to fix things, to clean up the mess of the last administration, and to help the American people.

Last night, President Obama gave an incredible speech, and he promised to do things differently. He promised an honest accounting of our Nation's needs. That may not seem revolutionary, but it's a big and positive change from the past 8 years.

For the first time, the costs of the wars in Iraq and Afghanistan will actually be included in the budget. The costs won't be covered up or hidden. No more gimmicks. The American people will know the real costs of these wars.

We will anticipate and budget for Federal dollars in response to national disasters like hurricanes, tornadoes, floods and earthquakes.

And President Obama, last night, pledged to cut the deficit in half by the year 2012, a promise to bring back fiscal responsibility. In short, there will be more truth-telling.

Mr. Speaker, we need to move forward, and I believe that we will. But first we need to dispense with last year's business.

Some of my friends on the other side complain that we shouldn't pass this omnibus bill today because it's too expensive. They complain that it will add to the deficit. It's interesting to hear my friends on the other side of the aisle worry out loud about the deficit. Where have they been for the last 8 years?

Facts are a stubborn thing, Mr. Speaker, and the facts speak for themselves. We are facing the worst economic crisis since the Great Depression, and we have the biggest debt in the history of the United States of America. This is something we inherited from my friends on the other side of the aisle. So it is somewhat ironic that the very people who drove this economy into a ditch are now complaining about the size of the tow truck.

I believe, Mr. Speaker, that we need to do whatever possible to get this economy back on track and to help the American people. The policies of the past, the same old same old, they failed. I believe this President has the political will to do the right thing. I believe he will get the economy back on track and he will get our fiscal house in order. And I believe that this Congress will support him.

What is before us, to put it simply, is help for States, cities and towns and for average people. There's an increase over current levels of appropriations. This, combined with the Recovery and Reinvestment Act, provides a lot of help to a lot of people.

This is not the bill, Mr. Speaker, that I would have written if it were solely up to me, and I don't believe it is the bill that Chairman OBEY would have written if it was solely up to him. This bill reflects bipartisan negotiations and bipartisan compromises.

I want to see more money in this bill, Mr. Speaker, for roads and bridges, more money for international food aid and anti-hunger programs like the McGovern-Dole Program and Food for Peace, and more money to combat climate change. I want to see Pell Grants fully funded, and I want to make sure that all eligible children receive a meal during the summer months if they receive a meal during the school year.

But I'm glad that we have reversed the Bush cuts on domestic priorities. I'm proud of the increased funding for WIC in this bill, funding that will help low-income pregnant mothers and newborns receive the healthy food that they need. And I'm pleased that this bill provides a 19 percent increase for the Food and Drug Administration, funding that will be used for critical oversight of our Nation's food supply

so we don't have any more contamination scares like the recent peanut contamination cases that we've recently seen.

This bill also increases funding for the Individuals with Disabilities Education Act by providing $558 million above 2008 for a total of $11.5 billion. And this bill provides $550 million for the COPS program, a program critical to the safety of our cities and towns.

Mr. Speaker, we need to get this bill completed. We need to finish the job left over from the last Congress and turn the page, once and for all, on the last 8 years. I urge my colleagues to support this rule and the bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I stand in strong opposition to this closed rule. And Mr. Speaker, let me say this, that the gentleman from Massachusetts (Mr. MCGOVERN), my colleague and friend, has had a chance to sit here and blame George Bush for what was entirely this body's responsibility. I think that's an awkward position for anybody to be in, to blame the President of the United States for what we have done or what we will do.

The gentleman from Massachusetts quite plainly said that George Bush and Republicans tried to hide the real costs of the war and did not put it in fiscal terms to where it came out for the budget where we would all understand it and tried to hide it. Well, let me just say this, that we just passed an $800 billion plus emergency spending bill that did exactly the same thing that he was saying George Bush did, Republicans did, about not being honest about what the real facts of the case are, hiding the budget money.

Mr. Speaker, the bottom line is that we're here today to debate a bill that was ready to go last June, and people are blaming George Bush for our inability to get that on the floor. And I think that that's just not true.

The bottom line is that this body decided, through the Democrat leadership, that they didn't want to move the bill forward because there was an election. And if there had been an election where tens of billions, hundreds of billions of dollars more would be passed by this Congress, then the American people would have seen that. Instead, they waited until after the election.

So I rise today in strong opposition to this completely closed rule, and to the ill-conceived underlying legislation. Week after week my friends on the other side of the aisle continue to bulldoze their massive spending bills on the floor of the House of Representatives, with no Republican input and no regular order, in this Congress.

This is the third time in a little over a month that I've managed a rule in this 111th Congress where my Democratic colleagues have had no hearings, no markups and allowed no amendments by Republicans. Senator HARRY REID yesterday was quoted as saying that he is going to allow Republicans and Democrats to offer amendments in the Senate. So why won't Speaker PELOSI allow Members of this House the same privilege?

In an effort to encourage the Democratic leadership to uphold their promise to the American people of being the most open, honest and ethical Congress, I think, and our Republican leadership believes, that we should hold hearings and be held accountable for what we do, including Republican feedback and amendments. In a letter dated the 5th of this month, Speaker PELOSI and Majority Leader HOYER were asked if they would immediately post the text of the omnibus and all of the earmark and spending projects included. Yet, once again, our friends, the Democrats, have posted the text of this massive spending bill, which holds nine of the remaining 12 appropriations bills, only a day and a half before the vote. And yet our letter states that ''in the midst of a severe recession, taxpayers should have a right to read and see each provision of this legislation.'' Taxpayers elected each and every one of us. We should be able to ''evaluate the merit of each dollar of government spending that their children and grandchildren will be required to fund.'' I think Americans deserve better.

Last week I had the opportunity, when I was back home for the break, to speak to many constituents back in Texas, and they are growing increasingly upset and concerned with the amount of massive spending that this Democratic majority is pursuing. Last week President Obama signed a $792 billion stimulus package into law that consisted of over $500 billion in new spending. This week, my friends and our colleagues, the Democrats, are at it again. Now we're discussing a $410 billion omnibus for a fiscal year that we're almost halfway through.

The legislation we're discussing today is actually an increase of 8.3 percent over the 2008 fiscal year funding, which is more than $32 billion. The omnibus appropriations bill contains funding for many of the same agencies and programs that just received funds in the stimulus bill.

□ 1230

Therefore, to uncover the true level of spending for these programs this year, the funding levels of both bills should and must be combined. The combined FY 2009 funding for agencies, including the omnibus and the stimulus, is $680 billion—$301 billion more than these programs received in 2008—for a combined 80 percent spending increase this year, an 80 percent increase in spending this year alone.

Mr. Speaker, this week, the President held a fiscal responsibility summit that was attended by Republicans and Democrats. How can the President take my Democrat colleagues seriously when they spend another $410 billion after the $792 billion stimulus? There is nothing fiscally responsible regarding designating $1.2 trillion in spending in just 2 weeks.

American families and small businesses are making sacrifices across this country and are cutting expenses due to tough economic times. Yet this Democratic majority continues to spend like there is no problem at all. Worse yet, we are taking a bill that was completely marked up last year and are assuming that those same needs are needed now.

Republicans welcome President Obama's call for fiscal responsibility, and we are willing to make the hard choices necessary to bring fiscal responsibility to Washington. Republican leadership has called for a spending freeze, and in a letter to Speaker PELOSI and Majority Leader HOYER, this past Monday, we did exactly that.

At a time of deficits, a freeze would allow the Federal Government to continue functioning at current levels, just like we have been doing for the past 6 months, while showing the commitment to the American people that we, as Members of Congress, are taking this crisis very seriously.

Mr. Speaker, this Congress must do better than this to prevent the enormous growth of Federal spending from encroaching on the family budgets of Americans. I oppose this rule and the underlying legislation as it is currently drafted.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 5, 2009.

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

Hon. STENY HOYER,
Majority Leader, House of Representatives, U.S. Capitol, Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Many weeks ago, you scheduled this week to consider the Fiscal Year 2009 omnibus spending bill. Now that you have announced that consideration will be delayed until after the President's Day recess, we remain troubled that the text of the bill has not been made available to the public and are concerned about the apparent precedent being established with massive spending bills in the 111th Congress. We urge you to make the text of the bill and explanatory statement available to all by posting it on-line and heeding President Obama's call for more transparency in government.

In the face of the highest deficit in our Nation's history, the Majority has asked the American taxpayers to fund nearly $1.5 trillion in new government spending in just four short weeks. And yet now the Majority plans to spend hundreds of billions more without yet sharing the content of the bill with Republican Members or the public. In the midst of a severe recession, taxpayers have a right to see each provision of this legislation and evaluate the merit of each dollar of government spending their children and grandchildren are being required to fund.

Recent experience has demonstrated that transparency, scrutiny, and regular order are essential tools for crafting effective and prudent legislation. Vast spending bills that have been rushed through the House. such as the so-called ''stimulus,'' were hastily considered without adequate input from both sides of the aisle—and the American taxpayer is worse off for it.

Without regular order and sufficient time to examine this legislation how can the American people and Members of Congress know where the $500 billion will be spent?

What will the funding increases be for the final six months of fiscal year 2009? Sadly, if the Majority refuses to release at least the text of the omnibus, none of these questions will be answered before the House votes to add hundreds of billions more to the deficit.

Again, we urge you to make the text of the omnibus spending bill and explanatory statement available to the public immediately, allowing all sides to judge the merit of each taxpayer dollar spent.

Sincerely,

Representatives John Boehner; Mike Pence; Cathy McMorris Rodgers; Pete Sessions; David Dreier; Eric Cantor; Thaddeus McCotter; John Carter; Roy Blunt; Kevin McCarthy.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 23, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Last week the House rushed through passage of a 1,073-page spending bill with a total price tag of well over $1 trillion. Many of the details of that legislation are still being revealed to the public, given that no one had sufficient opportunity to read the final bill before it was brought to the floor.

Reports now indicate that this week the House will consider a $410 billion omnibus spending bill to increase government spending levels for the rest of Fiscal Year 2009. Once again, Republicans have not seen this bill, and the American people deserve to know how their tax dollars will be spent.

Rather than hastily forcing another massive, partisan spending bill through the House, we urge the Majority to allow the House to consider a spending freeze.

At a time of record deficits, a freeze would allow the federal government to keep functioning at current spending levels without requiring beleaguered taxpayers to pay for new spending increases. Congress could ensure that essential government functions are carried out without any cuts while still protecting taxpayers from spending increases during a time of economic hardship. Our nation now faces the highest deficit in its history, and we are plunging further into unchartered territory with the anticipated debt nearly doubling previous record levels as a percentage of GDP.

In light of welcomed press statements from Democrat leadership expressing the need for fiscal restraint, we are confident that you will agree with the merits of freezing rather than increasing discretionary spending at this time.

Sincerely,

JOHN BOEHNER,
Republican Leader.
MIKE PENCE,
Conference Chairman.
ERIC CANTOR,
Republican Whip.
THADDEUS MCCOTTER,
Conference Chairman.

I reserve the balance of my time.

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

My colleagues on the other side of the aisle want to defend George W. Bush's economic policies of the last 8 years. They can have at it. I think the American people want a change. That's what they voted for in this election. I would just like to show my colleagues:

This is a chart entitled ''Record Deterioration'' on the budgets under Republican administrations. You'll see that we get deeper into deficit spending under George Bush 1. Then the blue line represents Bill Clinton when, actually, we went into surplus. Then this red line that kind of goes after the charts represents the policies of George W. Bush. We are in a mess because of the reckless policies of the last 8 years, and we need to dig ourselves out of it.

I would also say to my friend that he says that there is no Republican input on this bill at all. Yet, as far as I can tell, he has seven earmarks in this bill. The gentleman from Florida, who is sitting next to him, has 24 earmarks. Forty percent of the earmarks in this bill is the Republicans'. How did they magically show up in this bill? The bottom line is there has been bipartisan cooperation and collaboration and negotiation on this bill, and we need to get this bill done because we need to move on.

At this point, Mr. Speaker, I would like to yield 3 minutes to the gentleman from Colorado, a distinguished member of the Rules Committee (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in support of the 2009 Omnibus Appropriations Act. I thank Chairman OBEY and his staff for their hard work and leadership on this legislation.

This bill funds essential education, health care and renewable energy programs which, especially in these tough economic times, we cannot afford to let fall behind. In addition, by reducing funding for ineffective initiatives, this bill promotes efficiency and echos President Obama's call for fiscal responsibility last night.

Many districts and States across the Nation will benefit greatly from this legislation. My district in Colorado is an excellent example. We are home to a significant science and technology presence—the Space Science Institute, Sun Microsystems, the Nation's first Smart Grid City of Boulder, Colorado, NOAA, NCAR, and NIST. This bill provides $394 million for the National Oceanic and Atmospheric Administration for climate research and $819 million for the National Institute of Standards and Technology to promote American scientific competitiveness.

This bill will provide the resources to sustain important educational programs for America's young people. It increases funding to each of the four Head Start programs in my district, helping Colorado's low-income kids achieve a competitive edge in their future learning, access to financial aid and Pell Grants, making college increasingly important in this competitive economy more affordable.

It also provides a much needed boost in the funding to support community health centers, which provide insured and uninsured Coloradans access to preventative and emergency health care.

This bill increases funding for public lands such as the Rocky Mountain National Park and the Arapaho National Forest in Colorado that have been neglected for far too long.

It provides the resources necessary for the Environmental Protection Agency's efforts to clean our air and water, and it funds important programs that address climate change and energy independence with substantial money invested in community programs and awareness.

I didn't come to Congress to place blame for our problems or to bicker about partisan solutions. I came to Washington to be part of the solution and to create opportunity. If we want to protect the American dream for our communities and stabilize our economy, we need to support our core programs and services upon which we all rely. This bill is another important step in the right direction.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Miami and from the Rules Committee (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to engage Chairwoman LOWEY of the State, Foreign Operations, and Related Programs Appropriations Subcommittee in a colloquy.

Madam Chairwoman, President Bush's fiscal year 2009 budget directs $20 million for Cuba under the Economic Support Fund. This funding is critical U.S. assistance to those working for democracy and independent civil society in Cuba. The House voted overwhelmingly to increase funding for this important program in fiscal year 2008. However, funding for Cuba was not specifically designated in the report attached to the omnibus appropriations bill.

Can you clarify for the CONGRESSIONAL RECORD that it is the intent of the committee and of this Congress to provide $20 million in the underlying legislation for this important program?

I yield to the chairwoman.

Mrs. LOWEY. I want to thank Mr. DIAZ-BALART, Ms. WASSERMAN SCHULTZ and Mr. SIRES for their leadership and interest in promoting democratic governance in Cuba.

While the omnibus does not list funding levels for all programs requested by the administration, funding is assumed at the administration's request unless otherwise noted in the bill and the statement.

I share the Member's concern of the lack of political freedom in Cuba, and want to assure them it is the intent of this committee to provide $20 million in the underlying legislation for this important program as requested in the President's budget submission.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I wish to thank the distinguished chairwoman and her staff for working with Representatives DEBBIE WASSERMAN SCHULTZ, ALBIO SIRES, MARIO DIAZ-BALART, ILEANA ROS-LEHTINEN, and myself.

It is vital that this important program receives $20 million to fully implement activities that range from

democratic activism to humanitarian assistance that directly support the Cuban people, not the dictatorship, with the chairwoman's assurance of this full funding.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Wisconsin, the chairman of the Appropriations Committee (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I detest the word ''blame,'' and I don't want to use it in these circumstances. I don't want to say that we're here today because I blame President Bush for our differences on these bills. I would prefer to put it another way:

The President simply proposed budgets for the domestic appropriations which would have cut the Job Corps by $50 million. It would have eliminated the employment service by $103 million. It would have eliminated senior jobs programs. It would have eliminated vocational education. It would have eliminated Perkins, SEOG and LEAP student aid programs. It would have funded highway infrastructure $800 million below the level guaranteed in the authorization bill. It would have cut airport modernization grants by 22 percent. It would have eliminated the Community Service Block Grant Program. It would have cut health care access programs by $1 billion. It would have cut low-income heating assistance by $570 million.

Outside of that, it was a terrific budget. So we simply had a stark disagreement with the White House. We simply had a difference of opinion.

The President said he would not sign these domestic bills unless we accepted his level of cuts. We said, ''Sorry, but that's not the way the budget process works. We're supposed to be able to proceed, and so long as we confine the spending to the amount limited in the budget resolution, we're supposed to be able to proceed. That amount was some $20 billion at variance from President Bush's budget.'' So we offered to the White House to at least split the difference. We offered to sit down and to negotiate and to split the difference right down the middle. The White House declined. So we said, okay, if that's the case, we're simply going to wait, take our chances on the election and hope that we elect somebody to the White House who will negotiate like an adult. Now that is what has happened.

So we bring this bill here today. It essentially does two things: It provides the base funding for programs that are funded in the recovery act, without which the additional recovery funding could not succeed. Example, of the operating budget for the Social Security Administration. Example, the other half of the 50 percent that we need to keep our promises on Pell Grants. Example, the $40 billion we need to keep our commitments on highway construction.

The omnibus also funds numerous critical programs not funded in the recovery act. We only touched about 20 to 25 percent of government accounts in providing funding in the recovery act. The other 75 percent of government did not receive any additional funds in that recovery act, and so we simply provided those funds in this bill. That is what we are doing.

With respect to earmarks, I would simply say that the process that we're following today is far more transparent than it was in the so-called ''good old days.'' In the ''good old days,'' subcommittee Chairs would come to the floor. They would pretend that there were not earmarks in these bills, and then they would call up the agency and say, ''Hey, boys. I want you to do A, B, C, D, E, and F,'' and they would do A, B, C, D, E, and F totally hidden from public view.

Instead, today, you may not like the fact that Congress participates on an equal constitutional footing, but the fact is, under the process today, every single earmark that is out there has to be identified by name. It is on the Web, and people can examine them to see whether they think they're deserving or not.

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

Mr. MCGOVERN. I yield to the gentleman an additional 2 minutes.

Mr. OBEY. Now, from a standpoint of personal convenience, as chairman of the committee, I would much prefer that there would not be earmarks because then I wouldn't have to spend so much time in a hassle about them, but the fact is they represent the hole in the donut. Earmarks today are less than 1 percent of all of the funds in this bill. As a percentage of Federal spending, we have cut earmarks in half in this bill. I think that's doing pretty well. There are some people in this place who think that because Duke Cunningham fouled the nest with his corrupt practices that somehow we should eliminate all earmarks. With all due respect, that's like saying, because somebody gets drunk behind the wheel of a car, you ought to abolish the automobile.

The fact is, without the earmarking process, the White House and its anonymous bureaucrats would make every single spending decision in government. So, if you're a well-connected corporation and you've got some buddies in the Pentagon, you can sit down on the inside and work out sweetheart deals, and nobody will ever be the wiser. Earmarking may have its problems like any other human endeavor, but at least it's out in the open. You can measure it. There is a degree of accountability that never existed before we proceeded with these reforms. I am proud of those reforms, and every Member of this body who voted for them on both sides of the aisle should be proud, too.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman, the ranking member of Natural Resources, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this totally closed rule. As the ranking Republican on the House Natural Resources Committee, I especially object to a very dangerous policy rider that could seriously threaten new job creation and economic growth across our entire country.

□ 1245

Section 429 of this bill allows the Secretary of the Interior to withdraw, with no public notice and no public comment, two rules established during the Bush administration that ensure the listing of the polar bear as threatened under the Endangered Species Act is not transformed into a vast new expansion of government power to impose greenhouse gas emission regulations on economic activity across America.

Section 429 empowers the Interior Department or a Federal judge to limit potentially any carbon dioxide or other greenhouse gas emission in all 50 States using the polar bear and the Endangered Species Act as a regulatory vehicle.

We all want to protect the polar bear. As the Washington Post editorialized last year, ''Though the polar bear deserves protection, the Endangered Species Act is not the means, and the Fish and Wildlife Service is not the agency to arrest global warming.''

By wiping out this rule under 429, any increase in carbon dioxide or greenhouse gas emission would be subject to a potential lawsuit on the grounds that the action must first require consultation with the Fish and Wildlife Service to mitigate emissions.

What emits greenhouse gases? I will name a few examples, Mr. Speaker. It's building a new factory in Pennsylvania or a new school on an Indian reservation, it's farming and cattle ranching. Most all of the shovel-ready projects on the trillion-dollar stimulus bill would, in fact, be at risk.

Democrats know section 429 is extremely controversial so they slipped this into this massive spending bill behind closed doors. Mr. Speaker, why the secrecy? The reason is obvious. Section 429 threatens the creation of new jobs in every State and can do real harm to our already troubled economy. This is a backdoor maneuver to warp the original purpose and intent of the Endangered Species Act to invent vast new climate change powers for the Federal Government to control economic activities.

Democrats claim section 429 is just an attempt to stop midnight rules completed at the end of the Bush administration. Yet, Mr. Speaker, these rules in the Bush administration were written in full compliance with the law. Democrats have written section 429 to say ''forget all the laws; forget public comment from the American people. We don't have to follow the laws. Just wipe these legal rules off the books that put jobs and our economy at risk.''

Mr. Speaker, I want to make note that last night the junior Democrat Senator from Alaska wrote to the Senate Democrat leadership expressing his deep concern and objections to this provision, the harm it could do to economic activity and that it should be removed from this legislation. That's exactly what we should be doing here today. And I ask my colleagues to support that action.

Again, Mr. Speaker, I strongly oppose this measure, and I urge my colleagues to open up the omnibus appropriations bill to amendment.

U.S. SENATE,
Washington, DC, February 24, 2009.

Hon. DANIEL INOUYE,
Chairman, Senate Appropriations Committee, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN INOUYE: I write to express my serious concern over Section 429 of the just-released House version of the Fiscal Year (FY) 2009 Omnibus Appropriations Bill, H.R. 1005, now being considered in the House of Representatives. This section, which was included in the bill without any advance notice, would provide significant new authority to the Secretaries of Commerce and Interior to potentially overturn two of the regulations the Bush Administration adopted under the Endangered Species Act. One of the rules is the Polar Bear Special 4(d) Rule, which has provided some much-needed legal certainty to the application of the Endangered Species Act to the North Slope of Alaska. The Secretary of the Interior would have 60 days from the date of enactment of the Omnibus Bill to withdraw or ''reissue'' the Special Rule for the polar bear issued on December 10, 2008.

The language of Section 429 is attached. If Section 429 is enacted as is, the Secretary would not have to comply with any statutory or regulatory provision that would normally affect such an action, including public notice or comments or consultation requirements. Significantly, Section 429 also authorizes the Secretary of the Interior to ''reissue'' the 4(d) Rule for the Polar Bear. It is unclear what actions the Secretary may take in reissuing the rule. While it is possible that the Secretary would only be authorized to reissue the Special 4(d) Rule as it was previously published, under an alternative interpretation, the Secretary may be able to issue a revised rule, with major changes, without having to comply with the typical procedural requirements of the Administrative Procedure Act or the Endangered Species Act. The existing legislative history of the Omnibus Bill does not explain how Congress intends the term ''reissue'' to be interpreted. This lack of clarity will only cause more legal uncertainty, in an area of law where litigation already is rampant. Activities of numerous businesses operating in Alaska, and of the Inupiat people of the North Slope, will be caught in this void.

Additionally, there would be no ''incidental take'' protection if Section 429 is enacted and the polar bear 4(d) Rule is withdrawn, without a similar Rule in its place. Should the Secretary decide to withdraw the 4(d) Rule under Section 429, the polar bear would remain listed as a threatened species under the Endangered Species Act. Under the Department of the Interior's regulations, the full range of Section 9 prohibitions apply to all threatened species unless a species is subject to its own Section 4(d) rule. As such, the activities currently covered, and protected, by the 4(d) Rule would be at risk for incurring liability under the Endangered Species Act, should a take of a polar bear occur. This liability would extend even to minor, incidental impacts on polar bears from otherwise entirely lawful activities. This could endanger the public if a polar bear wanders onto a North Slope playground or village. This liability risk will remain until the Secretary promulgates new Section 4(d) regulations for the polar bear. Under this section, the protections built into the current 4(d) Rule could disappear without a replacement 4(d) Rule in the works.

I see no valid public policy reason to inflict on the people of the North Slope significant legal uncertainly and potential liability under the ESA, by congressionally waiving ordinary public notice and comment requirements that routinely apply in virtually all other settings. The inclusion of Section 429 is particularly disturbing in that it effectively ''cherry-picks'' and exempts certain regulations and has the effect of depriving the public of due process. Irrespective of whether one agrees or disagrees with the substance of rules adopted by the prior administration, this action sets a bad precedent. If the current administration disagrees with a rule previously adopted, there exists a process by which the rule can be reviewed and the notice and participation rights so citizens respected. Finally, the underlying policy goal at issue here—using the Endangered Species Act to regulate climate change—is far too important a matter to be decided without debate as a non-germane portion of an appropriations bill.

I understand that the House may move to strike Section 429 as an extraneous rider. If the motion to strike is not adopted, I respectfully request your assistance and leadership in seeking to omit the language from a Senate bill, or seeking to have the language omitted from any final House-Senate agreement.

Thank you for your consideration and assistance in this important matter.

Sincerely,

MARK BEGICH,
U.S. Senator.

Mr. MCGOVERN. Mr. Speaker, before I yield to Mr. OBEY to respond to the last speaker, I would like to express my surprise that he would oppose a bill in which he has 30 earmarks in it.

At this point, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to correct one misunderstanding on the endangered species proposal.

All this language does is to give the Secretary, the new Secretary, 60 days to re-examine the rule that was a midnight change in the rule.

Mr. HASTINGS of Washington. Will the gentleman yield on that point?

Mr. OBEY. I'd like to finish my statement on this first, if I could.

All this does is give the Secretary 60 days to reconsider the rule and decide whether to go forward or not. This was a rule that was promulgated by the administration as they were going out the door after the election. And I have no idea what I think is the right public policy. I do not have any objection, however, to the new Secretary taking a look at it before he commits the country to a change in direction.

Now I'd be happy to yield.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Two points. The reason this ruling came about was because of the listing of the polar bear and that the Bush administration started this process, which is required by law——

Mr. OBEY. I understand. I only have 1 minute.

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

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Wisconsin an additional 30 seconds.

Mr. OBEY. I only have 30 seconds.

My point is I understand they began the rule a long time ago, but they did not promulgate it until after the election and all this does—this does not reverse the rule; it simply gives the new administration the latitude to determine whether they should go ahead or not. It leaves the situation in neutral, and I think that's a fair thing to do.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. OBEY. Sure.

Mr. HASTINGS of Washington. There's probably some disagreement on the rule. But why not go through the regular process to change the rule? You're doing it without any regular process.

Mr. OBEY. I think the regular process would have been for the administration not to promulgate a new rule after the election when they were no longer accountable.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2½ minutes to the distinguished gentleman from Texas, a bright young member of the Republican Conference, JEB HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as our countrymen are hurting, as our unemployment news grows grim, what is the answer of the Democrat majority? They have brought us the largest single 1-year increase in the Federal deficit; they have brought us the largest deficit ever, $1.2 trillion, 8.3 percent of our economy; they've brought us the largest government debt ever, a debt that will be passed on to our children and grandchildren. And today they bring the largest regular appropriations process in history to the floor totaling at $1 trillion.

They have achieved, Mr. Speaker, a trifecta of trillions: a trillion dollars to stimulate government, a trillion dollars of Federal deficit, a trillion dollars for a regular appropriations bill.

This bill, Mr. Speaker, is going to grow the government 8.3 percent. Washington can grow 8.3 percent, the Federal budget can grow 8.3 percent. But the family budget, which has to pay for the Federal budget, only grew at 1.3 percent last year. So somehow Washington is entitled to almost a six-fold increase in their budget but working families are not?

You know, I don't see it. I don't see it, Mr. Speaker.

Now, something I do see is an old quote from Yogi Berra: ''It's déjà vu all over again.''

So now I'm seeing $3.13 billion for the 2010 census on top of the billion dollars

that was given to the census in the so-called stimulus bill; $1.45 billion for Amtrak on top of the $1.3 billion Amtrak received in the stimulus bill. And the list goes on and on.

Again, Mr. Speaker, this is more legislation designed to stimulate the government and not to stimulate the economy.

Let me give you a quote from one of our Secretaries of Treasury. He said, ''We are spending more than we have ever spent before, and it does not work. We have never made good on our promises. After 8 years of this administration, we have just as much in unemployment as when we started, an enormous debt to boot.'' The Secretary of Treasury was Henry Morgenthau, FDR's Secretary of Treasury. Those words were spoken in 1939.

And now we see the example of Japan. Mr. Speaker, you cannot spend and borrow your way into economic prosperity. They had nothing to show for what they did in Japan. Ten stimulus bills, but no jobs, no economic growth, and the largest per capita debt in the world. We should reject following the Japanese way.

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

I want to remind the previous speaker and some of my friends on the other side that they have been in charge for 8 years in the White House; 6 of those 8 years they've been in charge of the Congress. They can't blame this on Bill Clinton who, by the way, left the White House with a surplus.

Mr. HENSARLING. Will the gentleman yield?

Mr. MCGOVERN. This is the debt that has been accumulated during the Bush administration. The debt has doubled during this past administration. This is the legacy of their policy.

The election was about change. People have had it. People want investments, not in tax cuts for the wealthy, but they want investments in education——

Mr. HENSARLING. Will the gentleman yield?

Mr. MCGOVERN. No. At this point I will not.

They want investments in transportation, in education, and in the future of this country. But this is what they created. This is undeniable. This is what happened during the Bush years: a doubling of the debt. And that is a legacy that our kids and our grandkids are going to have to pay for.

I give President Obama a great deal of credit in this tough economic crisis to not only understand that we need to invest in our people to help create jobs and to help get this economy back on the right track, but he also said last night very clearly that we are going to be fiscally responsible and we are going to cut the deficit in half in 4 years. That is a benchmark that he will be measured by, and I will tell you that I think that what he said last night was what the American people wanted to hear. It's why he won the election in November.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding once again.

And I was happy to see I could save the gentleman from Massachusetts the trouble of looking into his earmark books, as he will find none for me.

I noticed that the gentleman from Massachusetts didn't deny any of the factual assertions. Since Democrats took control of the Congress, we have the single largest 1-year increase in the deficit. He didn't deny it. Go to CBO. You'll find the fact.

We now have the largest deficit ever since Democrats took control of this Chamber. Go to CBO, you'll find out it's a fact. We have the largest government debt ever under Democrat control of this House. He did not deny the fact. I would also point out—since the gentleman has been in this body for quite some time—that it is Congress, it is Congress that passes budgets, not the White House, as much as he would like to blame all of this on the White House. It is Congress.

And every year I've been here, Mr. Speaker, whenever the Republicans have presented a budget—and I haven't been ecstatic about each and every one—my friends on the other side of the aisle present a budget with even more spending that ultimately leads to higher taxes on struggling families in America. That is the fact.

Mr. MCGOVERN. Mr. Speaker, I yield myself 5 seconds.

I just remind the gentleman that the Republicans controlled Congress for 6 of the last 8 years.

I reserve my time.

Mr. SESSIONS. Mr. Speaker, I would also remind the gentleman that for 6 of those 8 years, Republicans controlled this House of Representatives, and the economy was great because we didn't try and run the investor out on the terms of what's fair for the American people. Once we had tax increases yelled about every day on this floor of this House of Representatives, the investor got it.

So we've got a lot of fairness under the terms that my friends, the Democrats, wanted. And that is where it's called massive unemployment and economic chaos.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Hamilton, New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the Rules Committee and asked that they be made in order. Regrettably, both were rejected.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City policy, an Obama action that the Gallup poll found that 58 percent of the people oppose him, 35 percent support him—as a result of that order, there will be significantly more abortions worldwide, more dead babies, and more wounded women.

Now the number of innocent children forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly mostly in Africa and Latin America.

The pro-abortion organizations who will divvy up the $545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate, and perform abortions on demand in developing countries. My amendment would have prevented that.

Flush with U.S. funding, foreign pro-abortion NGOs will be regarded in those countries as an extension of American values and mores. In your name and mine, and in the name of the American people pro-abortion organizations will unleash massive death, pain, sorrow, and destruction on babies, women, and families.

□ 1300

The second amendment, Mr. Speaker, would have preserved the Kemp-Kasten anti-coercion amendment. That amendment, while it's in the bill, is actually gutted by language also in the bill that says that funds made available to the UNFPA shall be made available notwithstanding any other provision of law. So it's gutted. My amendment would strike the notwithstanding language and reiterate the anti-coercion text.

The U.N. Population Fund, Mr. Speaker, has actively supported, comanaged and whitewashed the most pervasive crimes against women in human history, yet the omnibus Appropriations bill gives them $50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive coerced abortion, involuntary sterilization, ruinous fines in the amounts of up to 10 times the salary of both parents, imprisonment, job loss or demotion to achieve its quotas. In China today, with UNFPA enabling acquiescence and facilitation, brothers and sisters are illegal. Illegal kids—siblings! Women are told when and if they can have even the one child permitted by law. Unwed mothers, even if the baby is their first, are forcibly aborted.

Women are severely harmed emotionally, psychologically and physically, yet for the past three decades the UNFPA has been China's chief apologist as well as program trainer, facilitator and funder.

So, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against Women? Do we demand reform, or the protection of Chinese women and children? Heck no. We gut the anti-coercion law and write a $50 million check to the UNFPA.

Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the

Rules Committee and asked that they be made in order under the pending rule.

Notwithstanding the fact that both the Mexico City Policy amendment and the Kemp-Kasten Anti-Coercion population control amendment have been fundamental foreign policy for the better part of two decades, the Democratic leadership chose to reject both, out of hand, precluding members so much as an up or down vote.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City Policy the number of innocent children who will be forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly, mostly in Africa and Latin America.

According to a Gallup poll released earlier this month, overturning this pro-life policy was the least popular of the President's actions in his first week in office. In fact 58 percent of those polled opposed overturning the policy and only 35 percent supported funding groups that promote or provide abortion as a method of family planning.

The pro-abortion organizations who will divvy up the $545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate and perform abortion on demand in developing countries. My amendment prevents that.

Flush with U.S. funds, foreign pro-abortion NGOs will be almost certainly regarded by people in foreign nations as extensions of American values and mores. Mr. Speaker, in your name and mine and in the name of the American people—pro-abortion organizations will unleash massive death, pain, sorrow and destruction on babies, women and families throughout the world.

President Obama—the Abortion President—has put countless innocent children in harm's way, all while speechifying that he wants to reduce abortion.

And please, let's not kid ourselves any longer. There is nothing whatsoever benign, kind or compassionate about abortion; it is violence against children and wounds women.

The second amendment would have ensured that the Kemp-Kasten anti-coercion proviso in the bill has meaning. On one page of the Omnibus, Kemp-Kasten is seemingly retained intact, only to be completely gutted by text which reads.

Funds appropriated by this act for UNFPA''—$50 million—''shall be made available to UNFPA notwithstanding any provision of law . . . .

The U.N. Population Fund has actively supported, co-managed, and white-washed the most pervasive crimes against women in human history.

Yet this bill gives them $50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive, coerced abortion, involuntary sterilization, ruinous fines in amounts up to 10 times the salary of both parents, imprisonment, and job loss or demotion to achieve its quotas.

In China today with UNFPA enabling China's barbaric government policy, brothers and sisters are illegal. Imagine, a government so hostile to siblings that it makes them enemies of the state—and dead.

Women are told by Chinese family planning cadres when—and if—they can have even the one child permitted by law.

Unwed mothers—even if the baby is her first—are forcibly aborted. No exception.

Women are severely harmed emotionally, psychologically, and physically. Chinese women are violated by the state. The suicide rate for Chinese women—about 500 a day—far exceeds suicide anywhere else on earth.

Then there are the missing girls—about 100 million—victims of sex selection abortions. This gendercide is a direct result of the China/UNFPA one child policy.

In 2008—the U.S. State Department found once again that the UNFPA violated the anti-coercion provision of Kemp-Kasten and reprogrammed all funding originally earmarked for the UNFPA to other maternal health care or family planning projects.

Yet throughout the past three decades, the U.N. Population Fund has remained China's chief apologist, as well as program trainer, facilitator and funder.

So, finally, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against women? Do we demand reform and protection of Chinese women and children? Heck no. We gut the anti-coercion law and write a $50 million check to the UNFPA.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out that our friends in the right-to-life community have made their concerns clear. They have asked this committee to retain virtually all of the limitations on abortions that have been in previous appropriations. The committee has done so in 19 of 20 items. That's a pretty good batting average I would suggest.

The only change that has been made with respect to abortion is the change with respect to the United Nations Population Fund. And here we retained all current law restrictions on family planning funds in China, which means UNFPA programs in China will not be funded. The bill does make some adjustments that allow certain expenditures for maternal health programs, including ensuring safe childbirth and emergency obstetrics care. The new provision does not in any way change current law restrictions on funding of UNFPA contra programs in China. I personally detest the Chinese programs and I agree with the gentleman's observations about the Chinese programs, but the adjustments simply allow this agency to proceed in 100 other countries.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, as a Republican moderate, I rise in support of the rule, but against the bill that it governs.

This rule would deny a pay raise to the Congress, and since Americans are not getting a raise, neither should we. But the ominous appropriations bill underlying this legislation is not responsible. It contains 9,000 earmarks, with no irony in the very same week as the Fiscal Responsibility Summit.

The earmarks in support of projects come from Republicans and Democrats, but none of them face the time that we see. Earmarks, remember, are sole-source Federal grants given without competition, many for clients of entities who paid lobbyists to reach into our Treasury.

Now, one set of earmarks in this legislation deserves particular scrutiny. The bill contains no less than a dozen earmarks for the clients of Paul Magliochetti and Associates, known as PMA. Agents from the FBI raided PMA 3 months ago, and yet I have seen, coming from Illinois, the signs of a Federal criminal investigation and know what they look like. And the signs are all there now that the Justice Department is moving to soon indict the leaders of PMA, but stunningly, this House is ready to approve no less than 12 PMA client earmarks in this bill, reaching into the taxpayers' Treasury for $8.7 million. It is simply not responsible to allow a soon to be criminally indicted lobbying firm to win funding—all borrowed money—in this bill.

This bill also dramatically accelerates spending by the Federal Government. We have approved a $1 trillion stimulus bill; this is a $410 billion omnibus appropriation; and then we will take up a supplemental appropriation bill—all borrowed money. The legislation contains no analysis of the borrowing required to support this spending.

The Bureau of the Public Debt reports that we will have to borrow $150 billion a week to support this spending.

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

Mr. SESSIONS. I give the gentleman an additional minute.

Mr. KIRK. We will have to borrow an additional $150 billion a week, the Bureau of Public Debt reports, to support this spending.

Now, the number of lenders to the United States Government used to total 45; they are now less than 17. And our top lender is China, its government and central bank, that just announced that its lending to the United States will drop from $450 billion last year to just $150 billion this year. Now, they've already lent us $1 trillion, and they're worried that we can't repay. Would you blame them?

So I would hope, at a minimum, that when the conference meets on this legislation we delete the criminal earmarks, the 12 PMA earmarks, in conference. These leaders from PMA are likely going to jail, and their work should go unrewarded from our Treasury.

Mr. MCGOVERN. Mr. Speaker, let me just say I am grateful to the gentleman for supporting the rule. I'm glad he agrees with us that in this tough economic time we should not go forward with a pay raise for Members of Congress. But I would simply point out that passing the rule in and of itself doesn't deny Members a pay raise. You

need to pass the rule and pass the bill; otherwise, it doesn't happen. So I would urge him maybe to rethink his position.

At this point, I would like to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I would like to thank the chairman and subcommittee chairman on the Appropriations Committee for doing such a great job crafting this legislation.

Last night, President Obama said that a budget should be more than just a list of programs and dollar amounts, it's a document that should reflect our values as a Congress.

I'm proud to support this rule and this omnibus bill as a reflection of my values. Allow me to briefly mention some of the programs that I'm proud to have worked with my colleagues to fund.

I'm very pleased that we have additional money in here for public housing capital funds. We have many of our large public housing projects that are in great disrepair, and to have just a decent quality of life we needed to expand support for these public housing projects. There is money for section 8 tenant-based vouchers, money for section 8 project-based vouchers, and then of course education and training.

We have my beloved Head Start program. That is going to ensure that 900,000 low-income children have access to high-quality preschool services, title I grants for low-income children, and money for dislocated workers.

In health, we're going to give additional support to community health centers, health professions training, and Missing Alzheimer's Disease Patient Alert Program; and of course some assistance in international aid for HIV and AIDS; and a little money for Haiti—that's the poorest country in the Western Hemisphere.

So I am very, very proud of this legislation, particularly in this time of economic crisis. It's vital that we continue to invest in our economy to keep our country strong.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Augusta, Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

This rule is totally unfair, and it is a slap in the face to the American family. We are struggling all across America to try to make ends meet, but what are we doing here in Congress? We're growing the size of the Federal Government. The things that are included in this grows every one of these appropriations in whole by almost 8.5 percent, but the American public's budget isn't growing that much.

I presented an amendment to this huge abomination here that would have cut discretionary spending—not military spending, not veteran spending, but discretionary spending—by 10 percent. My amendment was not held in order. I was trying to help the American people, but we're having this forced down our throats. This is just another continued rolling of a steam roll of socialism down the throats of the American people and it's going to destroy our economy.

Just as an example of how grossly growing the Federal Government is, Labor HHS, with what is in this bill as well as what was in the nonstimulus bill just a couple of weeks ago, is growing by 91 percent just for that one department. Labor HHS approps is growing 91 percent. This is totally intolerable.

Just last night, the President stood right there and said he wanted to cut the deficit in half by the end of his 4-year term. We're not cutting the deficit, we're growing government, and it's going to increase the Federal debt. This is intolerable, and this rule should be rejected.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Allentown, Pennsylvania.

Mr. DENT. Mr. Speaker, I just rise today to express my disappointment with the fact that we are operating under a closed rule. I appreciate the fact that we are going to eliminate the pay raise, I think that's appropriate, and I commend everybody involved with that. We should not be getting a raise at a time like this.

But ordinarily we operate under what's called an open rule so that we have the opportunity to offer amendments to appropriations measures, that is our custom. And I'm very disappointed that we're not allowed to do that.

We all talk about bipartisanship, as we should, and we should try to work for bipartisan legislation. In fact, the President just the other day said something to the effect that the majority needs to be inclusive and the minority needs to be constructive. I agree. And in that spirit, I offered an amendment to the Rules Committee yesterday that would have limited the increase in spending in this legislation to the rate of inflation at 3.8 percent. It was rejected on a party line vote. I think it would have been most appropriate. Again, that amendment was substantive, it was constructive, and would have benefited the American taxpayer.

I understand that we have an obligation to govern, that we must pass appropriations bills to fund the government; that is important and that's something we must do. But the fact that we're operating under this closed rule process, though, again, shuts so many people out of the process. It is unfair, it's unreasonable, it is not bipartisan, and I think we should heed President Obama's voice, that the minority should be constructive and the majority should be inclusive. And that is not what is occurring with respect to this Omnibus Appropriations Act.

I am disappointed. And like others, I intend to vote for the rule because it will eliminate the pay raise, so that's a good thing; but again, we need to get back to regular order.

Mr. SESSIONS. Mr. Speaker, the gentleman, Mr. FLAKE, had it right this morning when he said this bill is heavy, and it is. And this is the bill that we're getting ready to pass, hundreds of billions of more dollars that will be taken from the American people that we're borrowing this money.

Just last week, we passed a bill that was twice this size, all borrowed money. This is a bill that, by and large, was put together last June and ready to go. We are now 5 full months through the fiscal year, and yet we decided to go ahead and do the exact same bill in the remaining 7 months; 8 percent increase if we had 12 months, now we've got 7 months left. All borrowed time, all borrowed money off of a system that now, months later, is under greater distress.

The American family, the American taxpayer, American business, even investors to this great country, like China—as we've heard the gentleman, Mr. KIRK, talk about—the investors, people who will pay for this debt, are growing weary of bigger and bigger government, of more and more spending.

And I do recognize that we disagree with each other on the floor based upon party lines, but at some point there has to be a reality check. And the reality check is that, since we decided to wait almost half a year, why not cut it in half? Makes sense to me. Perhaps that's common sense; perhaps it's just political shenanigans. But, Mr. Speaker, here we are today with 7 months remaining and we're going to cram down an 8.5 percent increase.

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

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Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. Mr. Speaker, I rise in strong support of the Omnibus Appropriations Act and the rule currently being debated in the House.

Division E of this bill provides $27.6 billion for programs under the jurisdiction of the Interior and Environment Subcommittee. This is a modest increase of about 4½ percent over the 2008 funding level. These funds are critically needed to support the core activities of agencies which serve every American family and which benefit the taxpayers of this country. These agencies include the National Park Service, the U.S. Fish and Wildlife Refuge System, and the National Forest System. These land management agencies manage more than 600 million acres of publicly owned land and host more than 200 million visitors every year.

The bill also funds the Indian Health Service and the Bureau of Indian Affairs, which provide education, law enforcement, and health services for 4

million Native Americans. It includes the money to support the staff of the Department of the Interior, which develops the offshore and land-based energy resources of this country. These energy-related programs generate over $20 billion of revenue for the Federal Treasury every year. It includes money for the EPA to support environmental protection activities in every congressional district affecting every single American family.

Mr. Speaker, I want to specifically address the question raised earlier as to why we need this omnibus money when we have just provided $11 billion for the agencies in the American Recovery and Reinvestment Act signed last week. The basic answer is the stimulus legislation provides funding for infrastructure projects at these agencies, in particular funding to address the longstanding and well-documented maintenance backlogs. The omnibus bill we are considering today supports the operational costs of these agencies.

The recovery bill pays to repair Indian schools. This bill pays for the teachers.

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

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

Mr. DICKS. The recovery provides funds to fix dilapidated Indian hospitals and clinics and allows purchases of critically needed medical equipment. The omnibus bill pays for the doctors, dentists, and nurses.

The recovery bill will improve the roads, bridges, trails, and visitor services facilities of our parks, refuges, and forests. The omnibus bill pays for the park rangers who provide visitor services and for the law enforcement rangers who protect those visitors.

The recovery bill will repair, rehabilitate, and build new water and sewer systems in over 500 communities. The omnibus bill includes funding to support efforts to protect public health by enforcing laws and regulation to ensure our air is fresh, our water is safe, and that our families are not exposed to dangerous toxins.

I want to commend Chairman OBEY for bringing this bill badly needed by the American people. These are important programs, and I appreciate his leadership on this bill and the staff of the committee as well.

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The Recovery bill will pay to improve border security by installing surveillance equipment and allowing purchase of better equipment for law enforcement personnel. But it is the Omnibus bill which pays for the refuge and park personnel who patrol the border areas which are overwhelmed by drug dealers and undocumented aliens. I toured this area last weekend on a Committee field visit and I can tell you these brave rangers and other law enforcement personnel face danger every day and desperately need the funding in this bill.

Mr. Speaker, a full-year Continuing Resolution will not adequately fund the operational costs of these agencies. Fixed costs average a little over 5 percent this year. If Congress simply extends the Continuing Resolution, agencies already suffering serious staffing shortfalls will have to further reduce staff. The Park Service will lose $161 million. The wildlife refuges will lose $29 million. The Bureau of Indian Affairs and the Indian Health Service will lose $320 million. These cuts will have very serious consequences.

Let me give one very straightforward example of the impact of a full year Continuing Resolution. The Indian Health Service estimates that if they are forced to operate for the rest of the year under the Continuing Resolution that they will provide 2,800 fewer hospital admissions and 400,000 fewer outpatient visits. Screening for diabetes, cancer and other life threatening diseases will also be significantly reduced. These are very serious consequences.

Mr. Speaker, this bill we are considering today includes a very modest increase of 4.8 percent over the 2008 level for Interior and Environment programs. The recommendations have been developed through a fully bipartisan process. I urge adoption of the bill.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, last night here in the well, the President said that there were no pork barrel projects in this bill, and now we find out there are over 9,000 pork barrel projects. Some people in the other Chamber said that the American people don't care about those pork barrel projects. I think they do.

And I think the American people care about our kids. We are stealing from our children and future generations. And let me just tell you why I say that.

We spent $700 billion in the TARP bill. We don't even know where half of that money went, $350 billion. We spent $14 billion on the auto industry. That's just the beginning. And there wasn't even a plan. If there had been a plan, it would have been a different situation. We spent $787 billion plus interest, which is going to take it over $1 trillion, on the stimulus bill, and we don't know if that's going to work. And we have got these 9,000 pork barrel projects that are in this bill, which is $408 billion. You add all that up plus the national health care, which the President said we are going to have to have here very quickly, and you don't have any idea how much money we're talking about. Mr. Geithner said $2 trillion is going to go in to help bail out the financial institutions. You add all of that up and it is an astronomical amount of printing of money and borrowing of money, and we don't have it. And we're borrowing from our kids and future generations.

And then on top of that, the President said he was going to cut the deficit in half in 4 years. That is not possible. It is just not possible. And I just hope the American people are paying attention, Mr. Speaker, because we're playing with funny money in this place and we're hurting the future generations of this country.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

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

Listening to my friend from Indiana talking about funny money and fiscal responsibility, well, you know, we didn't hear that from you when those on the other side ran the economy into the ditch for the last 8 years, turning a $5 trillion surplus into a massive budget deficit. If he would have listened to the President last night, he would have

heard that the President said the economic recovery package had no earmarks. Now, even though this Omnibus has one-fourth of the earmarks that the previous Republican crew had when they ran the place, the President wasn't talking about today's bill. He was talking about the economic stimulus.

I appreciate the hard work of the committee in bringing this forward. As we know, this work was largely done last year but we had a President that was running out the clock. He wouldn't work with the committee to deal with then what our established budget resolution was. He wanted more Draconian cuts. The committee wisely sidestepped that, moved forward with a new Congress and a new administration. This $410 billion package works in harmony with the economic recovery package, and I am pleased that it refocuses on the pieces that matter.

I have got a little provision in here that makes a difference for my community, a broadly supported effort for $45 million to revitalize our community with a Portland streetcar, something that's gaining attention across the country. People look at this as an opportunity to rebuild and renew, create jobs, revitalize community. It also contains important funding provisions for Public Broadcasting that will allow our hometowns to continue to invest in quality, commercial-free, educational, and cultural programming. It continues the investment in renewable energy.

I would like to conclude by paying special tribute to the committee and especially Chairwoman LOWEY for her success in raising the profile and investment in international clean water and sanitation.

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

Mr. MCGOVERN. I yield the gentleman 30 seconds.

Mr. BLUMENAUER. Mr. Speaker, we came together with bipartisan legislation in 2005, the Water for the Poor Act, but Congress didn't put any significant money in it. There was less than $10 million for all of Sub-Saharan Africa. This year there is $300 million to implement the Water for the Poor Act, and a significant investment in Sub-Saharan Africa. It's going to mean that hundreds of thousands of lives are going to be saved and the United States is going to be regarded differently around the world.

Simple, common sense, should have been done years ago, is going to be done now, and I appreciate the committee's hard work.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

The bill that we are talking about, again, is a large bill, $400 billion worth of spending, very few committee markups, committee hearings. We heard that they could not negotiate with the President because they didn't want to have to make tough decisions to fit within a box the package that would be, I think, best for the American people, $400 billion more worth of spending.

Borrowed money is difficult for the United States, and it's my hope that sometime during this process that my friends the Democrats are going through that they will recognize that borrowing money is a sad way to run the business.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me begin by thanking Chairman OBEY and the members of the Appropriations Committee on both sides of the aisle and their staff for their tireless efforts in trying to put together a bill that will help the American people.

I urge my colleagues to support the underlying bill. This is, as I said earlier, a completion of last year's work. Unfortunately, the White House refused to negotiate with the Congress. They showed an incredible amount of disrespect and indifference to what congressional leaders of both parties had to say, and it was their way or the highway, and so here we are. We're trying to wrap up last year's work in a way that will help the American people.

My colleague from Texas talks about that we should have a freeze on all spending. Well, given this economy, that kind of a policy would leave a lot of people in the cold. It will take some government investment to get us out of this ditch that we're in. And no matter how you want to look at it, the graphs and the charts are all the same, that these last 8 years this administration's policies, with the help of a lot of my friends on the other side of the aisle when they were in charge of Congress, have driven this economy into a ditch, and we need to get out of this ditch.

Mr. Speaker, I should also tell my colleagues that this rule also prevents Members of Congress from receiving a pay raise, and every Member of this House has the opportunity to vote up or down on this rule. And a vote against this rule and I would say a vote against the bill is a vote for the congressional pay raise. So if you have said publicly that you oppose the congressional pay raise, that you would vote against an increase in your salary if you could, well, here's your chance. If you vote ''no'' on the rule and you vote ''no'' on the underlying bill, then you are voting to increase your pay. I think during these difficult economic times, that's the least this Congress can do, and I would urge a ''yes'' vote on the previous question and on the rule.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 393, nays 25, not voting 13, as follows:

[Roll No. 84]

YEAS—393

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)

Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—25

Boren
Broun (GA)
Burgess
Costello
Deal (GA)
Ehlers
Flake
Franks (AZ)
Jordan (OH)
King (IA)
Kucinich
Lamborn
Minnick
Paul
Peterson
Poe (TX)
Price (GA)
Rohrabacher
Scalise
Simpson
Smith (NJ)
Stupak
Taylor
Westmoreland
Young (AK)

NOT VOTING—13

Barrett (SC)
Butterfield
Campbell
Cassidy
Clyburn
Davis (IL)
Hoyer
Larson (CT)
Miller, Gary
Perriello
Platts
Rush
Stark

□ 1352

Messrs. PETERSON, BOREN and FLAKE changed their vote from ''yea'' to ''nay.''

Messrs. CALVERT, TERRY, AKIN, LANCE, CUELLAR, BARTON of Texas, INGLIS, CULBERSON and THOMPSON of Pennsylvania changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 398, nays 24, not voting 9, as follows:

[Roll No. 85]

YEAS—398

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—24

Barton (TX)
Blunt
Broun (GA)
Burgess
Deal (GA)
Ehlers
Flake
Franks (AZ)
Gingrey (GA)
Issa
Jordan (OH)
King (IA)
Kingston
Kucinich
Lamborn
Lewis (CA)
Paul
Price (GA)
Rohrabacher
Shuler
Simpson
Smith (NJ)
Stupak
Westmoreland

NOT VOTING—9

Campbell
Cassidy
Davis (IL)
Larson (CT)
Miller, Gary
Perriello
Platts
Rush
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1409

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT TO BOARD OF TRUSTEES OF KENNEDY CENTER

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island
Ms. DELAURO, Connecticut
Mr. BLUNT, Missouri

OMNIBUS APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 184, I call up the bill

(H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 184, the amendment printed in House Report 111–20 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1105

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Omnibus Appropriations Act, 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.
DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agency and Food and Drug Administration
Title VII—General Provisions
DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related Agencies
Title V—General Provisions
DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions
DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009
Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia
DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions
DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—Afghan Allies Protection Act of 2009
DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009
Title I—Legislative Branch Appropriations
Title II—General Provisions
DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009
Title I—Department of State and Related Agency
Title II—United States Agency for International Development
Title III—Bilateral Economic Assistance
Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
Title VII—General Provisions
DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009
Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies
Title IV—General Provisions This Act
DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,174,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $10,651,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,711,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,054,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $974,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $17,527,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,954,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $871,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $21,551,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $687,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $244,244,000, to remain available until expended, of which $168,901,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $61,843,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,100,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $27,011,000, to provide for necessary expenses for management support services to offices

of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,877,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,766,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $41,620,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $609,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $79,500,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $151,565,000, of which up to $37,265,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,140,406,000, of which $112,571,000 shall be for the purposes, and in the amounts, specified in the table titled ''Agricultural Research Service, Salaries and Expenses, Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $46,752,000, of which $46,752,000 shall be for the purposes, and in the amounts, specified in the table titled ''Agricultural Research Service, Buildings and Facilities Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $691,043,000, of which $113,275,000 shall be for the purposes, and in the amounts, specified in the table titled ''Cooperative State Research, Education, and Extension Service, Research and Education Activities, Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $207,106,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $27,535,000; for payments to eligible institutions (7 U.S.C. 3222), $45,504,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $84,499,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,945,000; for competitive grants (7 U.S.C. 450(i)(b)), $201,504,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $819,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,610,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $2,950,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,196,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,399,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $15,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3319e), $750,000; and for necessary expenses of Research and Education Activities, $39,426,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $474,250,000, of which $9,388,000 shall be for the purposes, and in the amounts, specified in the table titled ''Cooperative State Research, Education, and Extension Service, Extension Activities, Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $288,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $66,155,000; payments for the pest management program under section 3(d) of the Act, $9,791,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000;

payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,182,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $479,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,008,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,568,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $40,150,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $806,000; and for necessary expenses of Extension Activities, $17,374,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $56,864,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $41,990,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2010, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2010.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $737,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $876,675,000, of which $23,494,000 shall be for the purposes, and in the amounts, specified in the table titled ''Animal and Plant Health Inspection Service, Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which $2,025,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $29,590,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $14,500,000 shall be for a National Animal Identification program, of which $3,500,000 is for information technology infrastructure and services, and $9,395,000 is for field implementation, and $1,605,000 is for program administration; of which $60,594,000 shall be used to prevent and control avian influenza and shall remain available until expended; of which $1,015,000 of the plum pox program shall remain available until September 30, 2010: *Provided,* That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the National Veterinary Stockpile, up to $12,895,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2009, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $86,711,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,888,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $17,270,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $40,342,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $613,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection

Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $971,566,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-time equivalent positions shall be employed during fiscal year 2009 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $646,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,170,273,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,461,066,000, of which $1,238,768,000 shall be for unsubsidized guaranteed loans and $222,298,000 shall be for direct loans; operating loans, $1,862,578,000, of which $1,017,497,000 shall be for unsubsidized guaranteed loans, $269,986,000 shall be for subsidized guaranteed loans and $575,095,000 shall be for direct loans; Indian tribe land acquisition loans, $3,940,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,803,000, of which $4,088,000 shall be for unsubsidized guaranteed loans, and $12,715,000 shall be for direct loans; operating loans, $130,371,000, of which $25,336,000 shall be for unsubsidized guaranteed loans, $37,231,000 shall be for subsidized guaranteed loans, and $67,804,000 shall be for direct loans; and Indian tribe land acquisition loans, $248,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $317,323,000, of which $309,403,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $77,177,000: *Provided,* That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further,* That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $758,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $853,400,000, to remain available until September 30, 2010, of which $31,650,000 shall be for the purposes, and in the amounts, specified in the table titled ''Natural Resources Conservation Service, Conservation Operations Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $24,289,000, to remain available until expended, of which $23,643,000 shall be for the purposes, and in the amounts, specified in the table titled ''Natural Resources Conservation Service, Watershed and Flood Prevention Operations Congressionally-designated Projects'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That not to exceed $15,000,000

of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,730,000: *Provided*, That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $646,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $192,484,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $7,345,347,000 for loans to section 502 borrowers, of which $1,121,488,000 shall be for direct loans, and of which $6,223,859,000 shall be for unsubsidized guaranteed loans; $34,410,000 for section 504 housing repair loans; $69,512,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,447,000 for credit sales of acquired property, of which up to $1,447,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $154,407,000, of which $75,364,000 shall be for direct loans, and of which $79,043,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,246,000; repair, rehabilitation, and new construction of section 515 rental housing, $28,611,000; section 538 multi-family housing guaranteed loans, $8,082,000; credit sales of acquired property, $523,000; and section 523 self-help housing and development loans, $82,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That, for applications received under the 2009 notice of funding availability, section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $460,217,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $902,500,000, to remain available through September 30, 2010; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2009 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $27,714,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $4,965,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $2,889,000 shall be available for the cost of loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or re-amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with

the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $38,727,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,500,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $18,269,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $63,830,000, to remain available until expended: *Provided*, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That not to exceed $1,000,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $87,385,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That not to exceed $8,300,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $14,035,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2009, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2009, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2009, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,853,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $20,000,000 shall not be obligated and $20,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $12,636,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,582,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $3,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with empowerment zones and enterprise communities, $8,130,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That the funds provided under this paragraph shall be made available to empowerment zones and enterprise communities in a manner and with the same priorities such funds were made available during the 2007 fiscal year.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $5,000,000: *Provided,* That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $556,268,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $65,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act and for Federally-recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $14,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $12,700,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: *Provided further*, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: the cost of telecommunications loans, $525,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,245,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of broadband telecommunication loans, $400,487,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $34,755,000, to remain available until expended: *Provided*, That the Secretary may use funds under this heading for grants authorized by 379(g) of the Consolidated Farm and Rural Development Act: *Provided further,* That $4,965,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $15,619,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That of the unobligated balances available for the cost of the broadband loans, $6,404,000 are rescinded.

In addition, $13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $610,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $14,951,911,000, to remain available through September 30, 2010, of which $8,496,109,000 is hereby appropriated and $6,455,802,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,860,000,000, to remain available through September 30, 2010, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That of the total amount available, the Secretary shall obligate not less than $14,850,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That, notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2009; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i): *Provided further,* That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds after the date of enactment of this Act: *Provided further*, That hereafter none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $53,969,246,000, of which $3,000,000,000, to remain available through September 30, 2010, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $230,800,000, to remain available through September 30, 2010: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2009 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2010: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $142,595,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $165,436,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,736,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,225,900,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,333,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $348,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $2,622,267,000, of which $7,641,000 shall be for the purposes, and in the amounts, specified in the final paragraph under ''Food and Drug Administration, Salaries and Expenses'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That of the amount provided under this heading, $510,665,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2010 but collected in fiscal year 2009; $52,547,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $15,260,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $4,831,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2009 received during fiscal year 2009, including any such fees assessed prior to fiscal year 2009 but credited for fiscal year 2009, shall be subject to the fiscal year 2009 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $648,722,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $777,437,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $41,358,000 shall be available for the Office of Generic Drugs; (3) $271,490,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $134,344,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $310,547,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $52,511,000 shall be for the National Center for Toxicological Research; (7) not to exceed $111,758,000 shall be for Rent and Related activities, of which $41,281,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $155,425,000 shall be for payments to the General Services Administration for rent; and (9) $160,033,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $49,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 327 passenger motor vehicles, of which 315 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the financial management modernization initiative and the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2010 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided,* That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated $434,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 717. None of the funds appropriated or otherwise made available by this or any

other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa, et seq.) in excess of $1,067,000,000.

SEC. 718. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 721. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(i) of section 14222 of Public Law 110–246 in excess of $1,071,530,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(B) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $16,000,000 until October 1, 2009: *Provided further*, of the unobligated balances under section 32 of the Act of August 24, 1935, $293,530,000 are hereby rescinded.

SEC. 724. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 725. There is hereby appropriated $3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 726. There is hereby appropriated $469,000, to remain available until expended, for the planning and design of construction of an agriculture pest facility in the State of Hawaii.

SEC. 727. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 728. There is hereby appropriated $794,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 729. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 730. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Palmview, Texas; the City of Pharr, Texas; the City of Hidalgo, Texas; the City of Alton, Texas; the City of La Joya, Texas; the City of Penitas, Texas; the City of Schertz, Texas; the City of Converse, Texas; the City of Cibolo, Texas; and the Township of Bern, Pennsylvania (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Business Program account;

(2) the County of Nueces, Texas (including individuals and entities with projects within the county), eligible under the Business and Industry Loan Guarantee Program for the purposes of financing a beef processing facility;

(3) the City of Asheboro, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;

(4) the City of Healdsburg, California; the City of Imperial, California; the City of Havelock, North Carolina; and the City of Newton, North Carolina (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and

(5) the City of Aptos, California (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 731. There is hereby appropriated $2,347,000 for section 4404 of Public Law 107–171.

SEC. 732. Notwithstanding any other provision of law, there is hereby appropriated:

(1) $1,877,000 of which $1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $469,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $338,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection; and

(3) $94,000 for a grant to the Graham Avenue Business Improvement District in the State of New York.

SEC. 733. Section 382K(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–10(c)) is repealed.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the Churchill Woods Dam Removal project in DuPage County, Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the Alameda Creek Watershed Project in Alameda County, California;

(7) through the Watershed and Flood Prevention Operations program to carry out the Colgan Creek Restoration project in Sonoma County, California;

(8) through the Watershed and Flood Prevention Operations program to carry out the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(9) through the Watershed and Flood Prevention Operations program to carry out the Lake George Watershed Protection project in Warren County, New York; and

(10) through the Watershed and Flood Prevention Operations program to carry out the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania.

SEC. 735. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking ''eight'' and inserting ''ten'';

(2) by striking ''six'' and inserting ''eight''; and

(3) by inserting ''Vermont, Maryland,'' after the first instance of ''States shall be''.

SEC. 736. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 737. None of the funds made available by this Act may be used to pay the salaries and expenses of any individual to conduct any activities that would allow the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or slaughtered in Argentina: *Provided*, That this section shall not prevent the Secretary from conducting all necessary activities to review this proposal and issue a report on the findings to the Committees on Appropriations of the House and Senate: *Provided further*, That this

section shall only have effect until the Secretary of Agriculture has reviewed the domestic animal health aspects of the pending proposal to allow the importation of such products into the United States and has issued a report to the Committees on the findings of such review.

SEC. 738. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2010, for information technology expenses.

SEC. 739. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2009''.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF COMMERCE

International Trade Administration

operations and administration

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $429,870,000, to remain available until September 30, 2010, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than $48,592,000 shall be for Manufacturing and Services; not less than $42,332,000 shall be for Market Access and Compliance; not less than $66,357,000 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; not less than $237,739,000 shall be for the United States and Foreign Commercial Service; and not less than $25,411,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210: *Provided further*, That within the amounts appropriated, $4,400,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Bureau of Industry and Security

operations and administration

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $83,676,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Economic Development Administration

economic development assistance programs

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $240,000,000, to remain available until expended: *Provided*, That of the amounts provided, no more than $4,000,000 may be transferred to ''Economic Development Administration, Salaries and Expenses'' to conduct management oversight and administration of public works grants.

salaries and expenses

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

Minority Business Development Agency

minority business development

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,825,000: *Provided*, That within the amounts appropriated, $825,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Economic and Statistical Analysis

salaries and expenses

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $90,621,000, to remain available until September 30, 2010.

Bureau of the Census

salaries and expenses

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $233,588,000.

periodic censuses and programs

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $2,906,262,000, to remain available until September 30, 2010: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category: *Provided further*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That none of the funds made available in this Act shall be used for the conduct of sweepstakes in the 2010 Decennial Census.

National Telecommunications and Information Administration

salaries and expenses

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $19,218,000, to remain available until September 30, 2010: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

public telecommunications facilities, planning and construction

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of

the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $2,010,100,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2009, so as to result in a fiscal year 2009 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2009, should the total amount of offsetting fee collections be less than $2,010,100,000, this amount shall be reduced accordingly: *Provided further*, That $750,000 may be transferred to ''Departmental Management, Salaries and Expenses'' for activities associated with the National Intellectual Property Law Enforcement Coordination Council: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2009 for official reception and representation expenses: *Provided further*, That of the amounts provided to the USPTO within this account, $5,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: *Provided further*, That in fiscal year 2009 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2009: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That $2,000,000 shall be transferred to Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO: *Provided further*, That from the amounts provided herein, no less than $4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $472,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That within the amounts appropriated, $3,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $110,000,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $65,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $172,000,000, to remain available until expended, of which $30,000,000 is for a competitive construction grant program for research science buildings: *Provided*, That within the amounts appropriated, $44,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,045,549,000, to remain available until September 30, 2010, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2011: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $79,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That of the $3,133,549,000 provided for in direct obligations under this heading $3,045,549,000 is appropriated from the general fund, $82,000,000 is provided by transfer, and $6,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $226,809,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $36,583,000: *Provided further*, That within the amounts appropriated, $129,970,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year: *Provided further*, That the number of authorized officers in the NOAA Commissioned Officer Corps shall remain at 321 until such time as section 6 of Public Law 110–386 takes effect.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,243,647,000, to remain available until September 30, 2011, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the $1,245,647,000 provided for in direct obligations under this heading $1,243,647,000 is appropriated from the general fund and $2,000,000 is provided from recoveries of prior year obligations: *Provided further*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That within the amounts appropriated, $29,610,000 shall be used for the

projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2010: *Provided,* That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $53,000,000: *Provided*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $25,800,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Hereafter, notwithstanding any other provision of law, no funds appropriated under this Act or any other Act shall be used to register, issue, transfer, or enforce any trademark of the phrase ''Last Best Place''.

SEC. 106. Hereafter, the Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

SEC. 107. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 108. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, D.C., or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 109. The amounts made available under section 213 of Public Law 108–199 for a New England lobster fishing capacity reduction program shall be available for transfer by the National Oceanic and Atmospheric Administration from the Fisheries Finance Program Account to the Operations, Research, and Facilities appropriation, to remain available until expended, for the Southern New England Cooperative Research Initiative for cooperative research, marine debris removal, and gear modification for conservation in Rhode Island.

SEC. 110. Section (d)(2)(A) of title 16 U.S.C. 3645 is amended by inserting ''Nevada,'' after ''Idaho,''.

SEC. 111. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

This title may be cited as the ''Department of Commerce Appropriations Act, 2009''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $105,805,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That $13,213,000 is for Department Leadership; $7,834,000 is for Intergovernmental Relations/External Affairs; $12,254,000 is for Executive Support/Professional Responsibility; and $72,504,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $80,000,000, to remain available until expended, of which $7,132,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $185,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $270,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,295,319,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $75,681,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,570,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $804,007,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the Federal observer program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the Federal observer program $3,390,000 shall remain available until expended, of which $1,090,000, previously transferred to the Department of Justice by the Office of Personnel Management under section 126 of division A of Public Law 110–329, shall be transferred back to the Office of Personnel Management by the Department of Justice.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $157,788,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $157,788,000 in fiscal year 2009), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,836,336,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than $33,600,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $217,416,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $160,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the Fund estimated at $52,416,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,823,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,873,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $950,000,000; of which not to exceed $30,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall remain available until expended for information technology systems; and of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $4,000,000, to remain available until expended.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $83,789,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming

under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $515,000,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $7,065,100,000; of which not to exceed $150,000,000 shall remain available until expended: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $153,491,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,939,084,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,054,215,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2009: *Provided further*, That, beginning in fiscal year 2009 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 810, of which 766 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,595,754,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2010: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $575,807,000, to remain available until expended, of which not less than $110,627,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and

borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,328,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $415,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $190,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $1,880,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) $12,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) $41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $37,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) $4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) $14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) $6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) $3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) $1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) $1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) $3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) $3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) $3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) $1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) $1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); $220,000,000, to remain available until expended, of which:

(1) $45,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which $26,000,000 is for the National Crime Victimization Survey; and

(2) $48,000,000 is for research, development, and evaluation programs:

Provided, That section 1404(c)(3)(E)(i) of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10603) is amended after ''internships'' by inserting ''and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process''.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,328,500,000, to remain available until expended as follows:

(1) $546,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $7,000,000 is to reimburse State and local law enforcement for security and related costs, including overtime, associated with the extraordinary security required to protect the President-elect during the Presidential transition period; and $20,000,000 is to reimburse State and local governments for extraordinary costs associated with the 2009 Presidential Inauguration;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) $31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of United States Attorneys;

(5) $178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): *Provided*, That within the amounts appropriated, $178,500,000 shall be used for the projects, and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(6) $30,000,000 for competitive grants to improve the functioning of the criminal justice

system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(7) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(8) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(9) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(10) $7,000,000 for a prescription drug monitoring program;

(11) $12,500,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(12) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(13) $5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful prosecution review;

(14) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(15) $25,000,000 for assistance to Indian tribes, of which—

(A) $10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $9,000,000 shall be available for the Tribal Courts Initiative; and

(C) $6,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(16) $18,000,000 for economic, high technology and Internet crime prevention grants: *Provided*, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, $25,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401), and other juvenile justice programs, $374,000,000, to remain available until expended as follows:

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process;

(2) $82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: *Provided*, That within the amounts appropriated, $82,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) $80,000,000 for youth mentoring grants;

(4) $62,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $25,000,000 shall be for the Tribal Youth Program;

(B) $10,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) $55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177); the Second Chance Act of 2007 (Public Law 110–199); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (the ''Adam Walsh Act''); and the Justice for All Act of 2004 (Public Law 108–405), $550,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $25,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs: *Provided further*, That section 2501(f) of part Y of title I of the 1968 Act (42 U.S.C. 3796*ll*(f)), is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.'';

(2) $39,500,000 is for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: *Provided*, That within the amounts appropriated, $34,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) $187,000,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: *Provided*, That within the amounts appropriated, $185,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(4) $25,000,000 is for offender re-entry programs, as authorized under section 101 and 211 of the Second Chance Act of 2007 (Public Law 110–199), of which $15,000,000 is for grants for adult and juvenile offender state and local reentry demonstration projects, and $10,000,000 is for grants for mentoring and transitional services;

(5) $10,000,000 is for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110–180);

(6) $10,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) $156,000,000 is for DNA related and forensic programs and activities as follows:

(A) $151,000,000 for a DNA analysis and capacity enhancement program and for other local, state, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program); and

(B) $5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412);

(8) $20,000,000 is for improving tribal law enforcement, including equipment and training;

(9) $15,000,000 is for programs to reduce gun crime and gang violence;

(10) $4,000,000 is for training and technical assistance;

(11) $18,000,000 is for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) $5,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $1,000,000 is for the National Sex Offender Public Registry;

(12) $16,000,000 is for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(13) $25,000,000 is for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, $174,000,000, of which not to exceed $14,000,000 shall be available for the Office on Violence Against Women; not to exceed $130,000,000 shall be available for the Office of Justice Programs; not to exceed $30,000,000 shall be available for the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further*, That the total amount available for management and administration of such programs shall not exceed $195,000,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2010, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2009 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

This title may be cited as the ''Department of Justice Appropriations Act, 2009''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,303,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,503,019,000 to remain available until September 30, 2010.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification

of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $500,000,000 to remain available until September 30, 2010.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,505,469,000 to remain available until September 30, 2010.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,764,710,000, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, $2,981,724,000 shall be for Space Shuttle operations, production, research, development, and support, $2,060,162,000 shall be for International Space Station operations, production, research, development, and support, and $722,824,000 shall be for Space and Flight support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $169,200,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,306,387,000, to remain available until September 30, 2010: *Provided*, That $2,024,000,000, together with not more than $9,000,000 to be derived from receipts pursuant to 42 U.S.C. 2459j, shall be available for center management and operations: *Provided further*, That notwithstanding 42 U.S.C. 2459j, proceeds from enhanced use leases that may be made available for obligation for fiscal year 2009 shall not exceed $9,000,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to 42 U.S.C. 2459j: *Provided further*, That not less than $45,000,000 shall be available for independent verification and validation activities, of which $5,000,000 shall be available to develop core verification and validation competencies with small businesses, and $40,000,000 shall be available for operations of the independent verification and validation facility: *Provided further*, That within the amounts appropriated $67,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $33,600,000, to remain available until September 30, 2010.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for ''Office of Inspector General'', when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for ''Office of Inspector General'', the amounts appropriated for construction of facilities shall remain available until September 30, 2011.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2009.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2015 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2009.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

The Administrator of NASA shall, not later than February 2, 2009, submit to the appropriate committees of Congress a report that delineates by fiscal year, mission directorate and object class the full costs necessary for Space Shuttle retirement and transition activities for fiscal years 2006 through 2015 that includes, but is not limited to, the following:

(1) the costs for environmental compliance and remediation;

(2) the gross and net proceeds from exchange sales of excess Space Shuttle equipment;

(3) the costs to maintain required facilities at Kennedy Space Center during the gap in human space flight;

(4) the costs associated with preservation of historic properties;

(5) the costs of workforce transition; and

(6) other costs related to Space Shuttle retirement and transition.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,183,100,000, to remain available until September 30, 2010, of which not to exceed $540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2009 budget request for icebreaking services, up to

$54,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than $133,000,000 shall be available for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $152,010,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $845,260,000, to remain available until September 30, 2010: *Provided further*, That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $294,000,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2009 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,030,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $12,000,000.

This title may be cited as the ''Science Appropriations Act, 2009''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,800,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $343,925,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $75,100,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $390,000,000, of which $365,800,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $16,000,000 is for management and administration; $3,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2008 and 2009, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,200,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,272,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) $4,100,000, of which $250,000 shall remain available until September 30, 2010: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

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

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which

funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $635,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce from prior appropriations, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Economic Development Administration, Economic Development Assistance Programs'', $15,000,000;

(2) ''National Institute of Standards and Technology, Industrial Technology Services'', $5,000,000;

(3) ''National Telecommunications and Information Administration, Salaries and Expenses'', $3,000,000;

(4) ''National Telecommunications and Information Administration, Public Telecommunications, Facilities, Planning and Construction'', $1,600,000; and

(5) ''Bureau of the Census, Periodic Censuses and Programs'', $1,000,000.

(b) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2009, from the following accounts in the specified amounts:

(1) ''General Administration, Working Capital Fund'', $100,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $285,000,000;

(3) ''Office of Justice Programs'', $100,000,000; and

(4) ''Community Oriented Policing Services'', $100,000,000.

(c) Each department affected by the recissions contained in subsections (a) and (b) shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(d) The recissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

This division may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009''.

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $168,100,000, to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,141,677,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Marmet Lock and Dam, West Virginia; McAlpine Lock and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; Gray's Landing Lock and Dam, Pennsylvania; R.C. Byrd Lock and Dam, Ohio and West Virginia; and Point Marion Lock and Dam, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use $8,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use $8,500,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Chief of Engineers is directed to use $17,048,000 of the funds provided herein for planning and design and construction of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of the consolidated Act).

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $383,823,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use $5,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $8,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,201,900,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That of the amounts provided herein, not to exceed $500,000 is provided to the Secretary of the Army to reimburse travel expenses as provided for in section 9003(f) of the Water Resources Development Act of 2007, Public Law 110–114 (121 Stat. 1289–1290): *Provided further*, That 2 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under the heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $183,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to $3,200,000 of the funds appropriated herein to reimburse the Port of Arlington, Gillam County, Oregon, for those direct construction costs determined by the Secretary to have been incurred by the Port as a result of and following issuance of the Department of the Army Regulatory Program permit for the construction of a commercial dock and offload facility at the Port in February 2007, including the removal of the commercial dock and offload facility.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for

the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $179,365,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that:

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

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000; *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

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

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest: *Provided further*, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated.

SEC. 104. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 106. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

''(a) Hereafter, the Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) or any related subsequent biological opinion, and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.''.

SEC. 107. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution to enhance revenues in the fund is enacted.

SEC. 108. The Secretary is authorized to conduct a study of the Missouri River Projects located within the Missouri River basin at a total cost of $25,000,000 with the express purpose to review the original project purposes based on the Flood Control Act of 1944, as amended, and other subsequent relevant legislation and judicial rulings to determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted: *Provided*, That this study shall be undertaken at full Federal expense.

SEC. 109. Section 134 of Public Law 108–137 (117 Stat. 1842), as amended by section 128(b) of Public Law 109–103 (119 Stat. 2260), is further amended by striking ''$30,000,000'' wherever it appears and inserting ''$48,300,000'' in lieu thereof.

SEC. 110. Section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663) is amended—

(1) by inserting ''(A) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the project the costs expended by non-Federal interests for the replacement and reconstruction of the Soquel Avenue Bridge.

''(C) MAXIMUM AMOUNT OF CREDIT.—The credit under paragraph (B) may not exceed $2,000,000.

''(D) LIMITATION OF TOTAL PROJECT COST.—The Secretary shall not include the costs to be credited under paragraphs (B) and (C) in total project costs in determining the amounts of the Federal and non-Federal contributions.''.

SEC. 111. The Missouri River Levee System (MRLS) Unit L–385 Project, Riverside, Missouri, authorized by the Flood Control Act of 1941, Public Law 77–228, and the Flood Control Act of 1944, Public Law 78–534, is modified to direct the Secretary, acting through the Chief of Engineers, to take such action as is necessary to correct deficiencies in the L–385 levee system in Riverside, Missouri at full Federal expense at a cost of no more than $7,000,000.

SEC. 112. Section 115 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 as contained in division C of Public Law 110–161, is amended by striking ''$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.'' and inserting in lieu thereof, ''$20,000,000: *Provided*, That the Secretary shall transfer ownership of this facility to the Secretary of Health and Human Services for operation and maintenance upon the completion of construction.''.

SEC. 113. Section 103(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4811–12), as amended by section 117 of the Energy and Water Development Appropriations Act of 2006 (119 Stat. 2255), is further amended by striking ''15,000,000'' and inserting ''26,000,000''.

SEC. 114. Section 3118 of Public Law 110–114 (121 Stat. 1137) is amended by—

(1) in paragraph (b) by inserting after ''New Mexico'' the following: ''in accordance with the plans recommended in the feasibility report for the Middle Rio Grande Bosque, New Mexico, scheduled for completion in December 2008'';

(2) redesignating subsection (d) as subsection (e); and

(3) inserting a new subsection (d):

''(d) COST SHARING.—Any requirement for non-Federal participation in a project carried out in the bosque of Bernalillo County, New Mexico, pursuant to this section shall be limited to the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction, operation and maintenance of the project.''.

SEC. 115. The non-Federal interest for the project referenced in section 3154 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1148) may carry out design and construction work on the project in advance of Federal appropriations or may provide funds directly to the Secretary for the Secretary to carry out such work: *Provided*, That the Secretary of the Army shall reimburse the non-Federal interest for any costs incurred by the non-Federal interest that are in excess of the non-Federal share of total project costs subject to the availability of appropriations.

SEC. 116. The Colorado Department of Natural Resources is authorized to perform modifications of the facility (Chatfield Reservoir, Colorado), and any required mitigation which results from implementation of the project: *Provided*, That in carrying out the reassignment of storage space provided for in this section, the Secretary shall collaborate with the Colorado Department of Natural Resources and local interests to determine costs to be repaid for storage that reflects the limited reliability of the resources and the capability of non-Federal interests to make use of the reallocated storage space in Chatfield Reservoir, Colorado.

SEC. 117. Section 117 of the Energy and Water Development and Related Agencies Appropriations Act, 2005, as contained in division C of Public Law 108–447, is hereby repealed.

SEC. 118. The Secretary of Army, acting through the Chief of Engineers, shall reassign the regulatory boundaries of the Chicago District to align with the existing civil works boundaries of the Chicago District.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $40,360,000, to remain available until expended, of which $987,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,640,000, to remain available until expended. For fiscal year 2009, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $920,259,000, to remain available until expended, of which $46,655,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,962,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a non-reimbursable basis: *Provided further*, That $4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: *Provided further*, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $56,079,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $59,400,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: *Provided further*, That, of the funds provided under this heading, $10,000,000 shall be transferred to ''Water and Related Resources'' upon the expiration of the 90-day period following the date of enactment of this Act if during such period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that—

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

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or nonprofit research institutions to fund water use efficiency research.

SEC. 206. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish and maintain an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the ''Executive Committee'') consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

(c) Hereafter, in compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.

SEC. 207. Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1953) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by inserting '', as determined by the nonprofit conservation organization'' after ''Lake''; and

(B) in paragraph (4), by striking ''retirement of water rights'' and all that follows through the semicolon at the end and inserting ''retirement of water rights;''; and

(2) in subsection (b), by striking ''June 30, 2010'' and inserting ''June 30, 2012''.

SEC. 208. Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior acting through the Commissioner of Reclamation, shall allocate—

(1) $300,000 to the Desert Research Institute for LIDAR acquisition data in the Walker River Basin, to supplement water rights research and data funded under section 208(a)(1) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268); and

(2) $300,000 to the Director of the United States Fish and Wildlife Service to conduct a multiyear assessment of and monitoring of the ability of west central Nevada lakes to support migratory loons, and identification of wintering areas and annual range of loons using Walker Lake during migration.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two passenger vehicles for replacement, $1,928,540,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $228,803,380 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Energy Efficiency and Renewable Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et

seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $137,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $19,648,475 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Electricity Delivery and Energy Reliability Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 29 passenger motor vehicles, including three new buses and 26 replacement vehicles, including one ambulance, $792,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $2,854,500 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CLEAN COAL TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $149,000,000 of uncommitted balances are transferred to Fossil Energy Research and Development to be used until expended: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $876,320,000, to remain available until expended, of which $149,000,000 shall be derived by transfer from ''Clean Coal Technology'': *Provided*, That of the amounts provided, $288,174,000 is available for the Clean Coal Power Initiative Round III solicitation, pursuant to title IV of the Public Law 109–58: *Provided further*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative Round III solicitation under this Act in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project selected after enactment of this legislation for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than $10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That funds available for the Clean Coal Power Initiative Round III Funding Opportunity Announcement may be used to support any technology that meets the requirements of the Round III Announcement relating to carbon capture and storage or other beneficial uses of CO_2, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and 402(b)(2)(A) of Public Law 109–58: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That, of the amount appropriated in this paragraph, $43,864,150 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Fossil Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $19,099,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $205,000,000, to remain available until expended, of which $31,507,000 shall be provided to initiate new site expansion activities, beyond land acquisition, consistent with the budget request: *Provided*, That none of the funds provided for new site expansion activities may be obligated or expended for authorized activities until the Secretary has submitted a report to the Congress on the effects of expansion of the Reserve on the domestic petroleum market, which is required to be submitted within 45 days of enactment of this Act.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $9,800,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $261,819,000, to remain available until expended: *Provided*, That the appropriation includes funds for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency (EPA) regarding a comprehensive radioactive site characterization of Area IV of the SSFL and (2) the Department shall provide the amount required by EPA for the radioactive site characterization in fiscal year 2009 from within the available funds: *Provided further*, That of the amounts provided, $5,000,000 is available for necessary expenses for the purpose of carrying out remedial actions under this title at real property in the vicinity of the Tuba City processing site designated in section 102(a)(1), of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95–604, as amended; 42 U.S.C. 7901, et seq.), notwithstanding section 112 of that Act, at a dump site immediately adjacent to the north-northwest section of the Tuba City processing site, and on the north side of Highway 160: *Provided further*, That, of the amount appropriated in this paragraph, $4,757,500 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Non-Defense Environmental Cleanup Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $535,503,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $10,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and

other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 49 passenger motor vehicles for replacement only, including one law enforcement vehicle, one ambulance, and three buses, $4,772,636,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $93,686,593 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Science Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''NWPA''), including the acquisition of real property or facility construction or expansion, $145,390,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, $1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further*, That $9,000,000 shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities: *Provided further*, That of the $9,000,000 provided 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That this funding shall be provided to affected units of local government, as defined in the NWPA: *Provided further*, That $500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds: *Provided further*, That, of the amount appropriated in this paragraph, $1,855,425 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Waste Disposal Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of $47,000,000,000 for eligible projects, to remain available until committed, and of which $18,500,000,000 shall be for nuclear power facilities: *Provided*, That these amounts are in addition to the authority provided under section 20320 of Division B of Public Law 109–289, as amended by Public Law 110–5: *Provided further*, That such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in this and prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further*, That for necessary administrative expenses to carry out this Loan Guarantee program, $19,880,000 is appropriated, to remain available until expended: *Provided further*, That $19,880,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2009 appropriations from the general fund estimated at not more than $0: *Provided further*, That none of the funds made available in this Act shall be available for the execution of a new solicitation with respect to such guaranteed loans until 30 days after the Department of Energy has submitted to the Committees on Appropriations of the House of Representatives and the Senate a loan guarantee implementation plan that defines the proposed award levels and eligible technologies: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $272,643,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $117,317,000 in fiscal year 2009 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2009, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $155,326,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed two passenger motor vehicles, and one ambulance; $6,380,000,000, to remain available until expended: *Provided*, That $19,300,000 is authorized to be appropriated for the 09–D–007 LANSCE Refurbishment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That, of the amount appropriated in this paragraph, $22,836,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Weapons Activities Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $1,482,350,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $1,903,000 shall be used for projects specified under the heading ''Congressionally Directed Defense Nuclear Nonproliferation Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $828,054,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $439,190,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $23,311,750 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Office of the Administrator (NNSA) Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, $5,657,250,000, to remain available until expended, of which $463,000,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund'': *Provided*, That, of the amount appropriated in this paragraph, $17,908,391 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Defense Environmental Cleanup Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $1,314,063,000, to remain available until expended: *Provided*, That of the funds provided herein, $487,008,000 is for project 99–D–143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143: *Provided further*, That, of the amount appropriated in this paragraph, $999,075 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Other Defense Activities Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $143,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2009, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,420,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $49,520,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $28,414,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $218,346,000, to remain available until expended, of which $208,642,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $7,342,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $403,118,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,959,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $273,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $273,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2009 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION. (a) None of the funds in this or any other appropriations Act for fiscal year 2009 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or to award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

(c) In this section the term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 303. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 304. UNEXPENDED BALANCES. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 305. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 306. USER FACILITIES. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 307. INTELLIGENCE ACTIVITIES. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

SEC. 308. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development: *Provided further*, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 309. RELIABLE REPLACEMENT WARHEAD. None of the funds provided in this Act shall be available for the Reliable Replacement Warhead (RRW).

SEC. 310. GENERAL PLANT PROJECTS. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 311. ENERGY PRODUCTION. The Secretary of Energy shall provide funding to the National Academy of Sciences to conduct an inventory of the energy development potential on all lands currently managed by the Department of Energy together with a report, to be submitted not later than July 1, 2009, which includes (1) a detailed analysis of all such resources including oil, gas, coal, solar, wind, geothermal and other renewable resources on such lands, (2) a delineation of the resources presently available for development as well as those potentially available in the future, and (3) an analysis of the environmental impacts associated with any future development including actions necessary to mitigate negative impacts.

SEC. 312. RENO HYDROGEN FUEL PROJECT. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a) The Secretary of Energy, along with the Administrator of the National Nuclear Security Administration and the Chairman of the Nuclear Regulatory Commission, shall establish an Integrated University Program.

(b) For the purposes of carrying out this section, $45,000,000 is authorized to be appropriated in each of fiscal years 2009 to 2019 as follows:

(1) $15,000,000 for the Department of Energy;

(2) $15,000,000 for the Nuclear Regulatory Commission; and

(3) $15,000,000 for the National Nuclear Security Administration.

(c) Of the amounts authorized to carry out this section, $10,000,000 shall be used by each organization to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 shall be used by each organization to support a jointly implemented Nuclear Science and Engineering Grant Program that will support multiyear research projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $75,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $25,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M,

and 382N of said Act, $13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,034,656,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $49,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $860,857,000 in fiscal year 2009 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than $173,799,000: *Provided further*, That such funds as are made available for necessary expenses of the Commission by this Act or any other Act may be used for the acquisition and lease of additional office space provided by the General Services Administration for personnel of the U.S. Nuclear Regulatory Commission as close as reasonably possible to the Commission's headquarters location in Rockville, Maryland, and of such square footage and for such lease term, as are determined by the Commission to be necessary to maintain the agency's regulatory effectiveness, efficiency, and emergency response capability: *Provided further*, That notwithstanding any other provision of law or any prevailing practice, the acquisition and lease of space for such purpose shall, to the extent necessary to obtain the space, be based on the prevailing rates in the immediate vicinity of the Commission's headquarters.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2009 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,811,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,400,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2009 in excess of $4,660,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2009''.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $278,870,000, of which not to exceed $21,619,000 is for executive direction program activities; not to exceed $45,910,000 is for economic policies and programs activities; not to exceed $36,039,000 is for financial policies and programs activities; not to exceed $62,098,000 is for terrorism and financial intelligence activities; not to exceed $21,600,000 is for Treasury-wide management policies and programs activities; and not to exceed $91,604,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2010, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,232,443, to remain available until September 30, 2010, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2010, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $1,100,000, to remain available until September 30, 2010, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, $3,400,000, to remain available until September 30, 2011, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That of the amount appropriated under this heading $3,000,000 to remain available until September 30, 2011, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $26,975,000, to remain available until September 30, 2011: *Provided*, That $11,518,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $26,125,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $146,083,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $91,465,000, of which not to exceed $16,340,000 shall remain available until September 30, 2011; and of which $9,178,000 shall remain available until September 30, 2010: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $239,785,000, of which not to exceed $9,220,000 shall remain available until September 30, 2011, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,065,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $2,000,000, to remain available until September 30, 2010, is for information technology management.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2009 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $42,150,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,352,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2011, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2009 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at $177,352,000. In addition, $90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $107,000,000, to remain available until September 30, 2010, of which $8,500,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, $2,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), up to $14,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $16,000,000.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,293,000,000, of which not less than $5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $9,500,000 shall be available for low-income taxpayer clinic grants, of which not less than $8,000,000, to remain available until September 30, 2010, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than $193,000,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,117,267,000, of which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to ''Operations Support'' solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,867,011,000, of which up to $75,000,000 shall remain available until September 30, 2010, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2011, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $229,914,000, to remain available until September 30, 2011, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,406,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,997,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $490,000,000 shall be available for enhanced tax law enforcement.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''10 years'' and inserting ''11 years''.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for Fiscal Year 2009.

SEC. 117. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2009''.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $53,899,000, of which $1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,363,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,550,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,029,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $101,333,000, of which not less than $5,700,000 shall be for e-mail restoration activities, and of which $11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $87,972,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,200,000; of which $1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $3,000,000, which shall remain available until expended for counternarcotics research and development projects: *Provided*, That such amount shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a detailed spending plan for the use of these funds no later than 90 days after enactment of this Act.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $234,000,000, to remain available until September 30, 2010, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which up to $2,100,000 may be used for auditing services and associated activities, and up to $250,000 of the $2,100,000 shall be used to ensure the continued operation and maintenance of the Performance Management System: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2008, shall be funded at no less than the fiscal year 2008 initial allocation levels (as revised by the letter from the Director of the Office of National Drug Control Policy to the Committees on Appropriations of the House of Representatives and the Senate dated April 8, 2008) or $3,000,000, whichever is greater, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That no High Intensity Drug Trafficking Area shall receive more than $47,457,447 as its fiscal year 2009 initial allocation level: *Provided further*, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2007 for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area may be used for other approved activities of that High Intensity Drug Trafficking Area: *Provided further*, That the Office of National Drug Control Policy (ONDCP) shall notify the Committees on Appropriations of the House of Representatives and the Senate of the initial High-Intensity Drug Trafficking Area (HIDTA) allocation funding within 45 days after the enactment of this Act: *Provided further*, That ONDCP shall submit recommendations for approval to the Committees on Appropriations for the use of discretionary HIDTA funding, according to a framework proposed jointly by the HIDTA Directors and ONDCP, within 90 days after the enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $174,700,000, to remain available until expended, of which the amounts are available as follows: $70,000,000 to support a national media campaign, of which at least $8,000,000 shall be designated for methamphetamine prevention messages: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding to total funds and shall continue the corporate outreach program; $90,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note): *Provided further*, That any grantee seeking a renewal grant (year 2 through 5, or year 7 through 10) that is determined to be ineligible or not entitled to continuation funding for any reason, shall be afforded a fair, timely, and independent appeal prior to the beginning of the subsequent funding year before being denied a renewal grant; $1,250,000 for the National Drug Court Institute; $9,800,000 for the United States Anti-Doping Agency for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the National Alliance for Model State Drug Laws; and $500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2010.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Administration to carry out the Presidential Transition Act of 1963 and similar expenses, in addition to amounts otherwise appropriated by law, $8,000,000; *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the

Vice President in this Act or any other Act, to carry out such purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,496,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $323,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''White House Office'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisors'', ''National Security Council'', ''Office of Administration'', ''Office of Policy Development'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The President shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the heading by program, project, and activity, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2009''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $69,777,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $18,447,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $30,384,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $19,605,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,801,369,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,253,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under section 3006A of title 18, United States Code, and also under section 3599 of title 18, United States Code, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under section 3006A(e) of title 18, United States Code, and also under section 3599(f) and (g)(2) of title 18, United States Code, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under section 3006A of title 18, United States Code) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $849,400,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,206,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $428,858,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger

motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $79,049,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $25,725,000; of which $1,800,000 shall remain available through September 30, 2010, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $65,340,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,225,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. (a). IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by striking ''magistrate judges appointed under section 631 of this title,'' and inserting the following: '', United States magistrate judges, bankruptcy judges appointed under chapter 6 of this title, judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, judges of the District Court of the Virgin Islands, bankruptcy judges and magistrate judges retired under section 377 of this title, and judges retired under section 373 of this title, who are''.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) United States magistrate judges.

(2) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(3) Judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, and judges of the District Court of the Virgin Islands.

(4) Bankruptcy judges and magistrate judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of the enactment of Public Law 110–177.

SEC. 308. Subsection (c) of section 407 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (division A, title IV, of Public Law 109–115; 119 Stat. 2396, 2471) is repealed.

SEC. 309. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the second sentence, by inserting ''the district of Hawaii,'' after ''Pennsylvania,'';

(2) in the third sentence (relating to the District of Kansas), by striking ''17 years'' and inserting ''18 years'';

(3) in the sixth sentence (relating to the Northern District of Ohio), by striking ''17 years'' and inserting ''18 years''.

(4) by inserting ''The first vacancy in the office of the district judge in the district of Hawaii occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.'' after the sixth sentence.

SEC. 310. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2009, to receive a salary adjustment in accordance with 28 U.S.C. 461.

This title may be cited as the ''Judiciary Appropriations Act, 2009''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $39,177,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, of which $38,825,000 is for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, for the costs of providing support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; and of which $352,000 is for the District of Columbia National Guard retention and college access program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $248,409,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,630,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $104,277,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $55,426,000, of which not to exceed $1,500 is for official reception and representation expenses; and $76,076,000, to remain available until September 30, 2010, for capital improvements for District of Columbia courthouse facilities,

including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $52,475,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $203,490,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision Program and $160,000 for the Pretrial Services Program, both to remain available until September 30, 2010, are for information technology infrastructure enhancement acquisitions; of which $148,652,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $54,838,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $35,659,000, of which $700,000 is to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies. *Provided further*, That for fiscal year 2009 and thereafter, the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, such fees shall be credited to this account, to be available until expended without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $16,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,774,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $4,887,622: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a detailed budget and comprehensive description of the activities to be carried out with such funds no later than 60 days after enactment of this Act, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2009.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $54,000,000, to be allocated as follows: for the District of Columbia Public Schools, $20,000,000 to improve public school education in the District of Columbia; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments: *Provided*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the D.C. School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees: *Provided further*, That use of any funds in this Act or any other Act for opportunity scholarships after school year 2009–2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.

FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL REFORM

For a Federal payment to jump start public school reform in the District of Columbia, $20,000,000, of which $3,500,000 is to support the recruitment, development and training of principals and other school leaders;

$7,000,000 is to develop optimal school programs and intervene in low performing schools; $7,500,000 is for a customized data reporting and accountability system on student performance as well as increased outreach and training for parents and community members; and $2,000,000 is to support data reporting requirements associated with the District of Columbia Public Schools teacher incentive program: *Provided*, That up to $500,000 or 10 percent, whichever is less, of the amounts above may be transferred as necessary from one activity to another activity: *Provided further*, That the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer: *Provided further*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $21,000,000, to remain available until September 30, 2010, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, $7,000,000, to remain available until expended, for the Federal contribution for costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Executive Office of the Mayor of the District of Columbia to enhance the quality of life for District residents, $3,387,500, of which $1,250,000 shall be available as matching funds to temporarily continue Federal benefits for low-income couples who decide to marry, and of which $2,137,500 shall be to continue Marriage Development Accounts in the District of Columbia: *Provided*, That no funds shall be expended until the Mayor of the District of Columbia submits a detailed expenditure plan, including performance measures, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the District submit a preliminary progress report on activities no later than June 1, 2009, and a final report including a detailed description of outcomes achieved no later than February 1, 2010.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code §1–204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2009 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $9,888,095,000 (of which $6,082,474,000 shall be from local funds (including $420,119,000 from dedicated taxes), $2,177,382,000 shall be from Federal grant funds, $1,621,929,000 shall be from other funds, and $6,310,000 shall be from private funds); in addition, $202,326,130 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $725,461,000: in addition, for capital construction projects, an increase of $1,482,977,000, of which $1,121,734,000 shall be from local funds, $107,794,000 from the Local Street Maintenance fund, $60,708,000 from the District of Columbia Highway Trust Fund, $192,741,000 from Federal grant funds, and a rescission of $353,447,000 from local funds and a rescission of $37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of $1,092,030,000 to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under ''Title III—District of Columbia Funds Division of Expenses'' of the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008 and such title is hereby incorporated by reference as though set forth fully herein: *Provided further*, That this amount may be increased by proceeds of one-time transactions which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code §1–201.01 et seq.), as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2009, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2009''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $1,500,000, of which, not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $1,000,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $146,000,000, including not to exceed $3,000 for official reception and representation expenses: *Provided*, That $34,734,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2009 to the Committees on Appropriations of the House of Representatives and the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $2,000 for official reception and representation expenses, $105,404,000, of which $6,000,000 shall remain available for obligation until September 30, 2011 for costs associated with the relocation of CPSC's laboratory to a modern facility and the upgrade of laboratory equipment, and of which $2,000,000 shall remain available for obligation until September 30, 2010 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110–140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $17,959,000, of which $4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That $750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107–252): *Provided further*, That $300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, $106,000,000, to remain available until expended, of which $100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252), $5,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and $1,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $341,875,000: *Provided*, That of the funds provided, not less than $3,000,000 shall be available to establish and administer a State Broadband Data and Development matching grants program for State-level broadband demand aggregation activities and creation of geographic inventory maps of broadband service to identify gaps in service and provide a baseline assessment of statewide broadband deployment: *Provided further*, That $341,875,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at $0: *Provided further*, That any offsetting collections received

in excess of $341,875,000 in fiscal year 2009 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2008, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2009: *Provided further*, That, in addition, not to exceed $25,480,000 may be transferred from the Universal Service Fund in fiscal year 2009 to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2008'', each place it appears and inserting ''December 31, 2009''.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,495,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $63,618,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $22,674,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $259,200,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $168,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $70,200,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $651,198,000. To carry out the purposes of the Fund established pursuant to section 592 of title 40, United States Code, the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,427,771,000, of which: (1) $746,317,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Tuscaloosa Federal Building, $25,000,000.

California:

San Diego, United States Courthouse Annex, $110,362,000.

San Ysidro, Land Port of Entry, $58,910,000.

Colorado:

Lakewood, Denver Federal Center Remediation, $10,472,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths Campus, $331,390,000.

Federal Office Building 8, $15,000,000.

St. Elizabeths West Campus Infrastructure, $8,249,000.

St. Elizabeths West Campus Site Acquisition, $7,000,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $163,530,000.

North Dakota:

Portal, Land Port of Entry, $15,204,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are affected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: *Provided further*, That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) $692,374,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, CBR, $14,700,000.

Eisenhower Executive Office Building, Phase III, $51,075,000.

West Wing Infrastructure Systems Replacement, $76,487,000.

Illinois:

Chicago, Dirksen Courthouse, $152,825,000.

North Carolina:

New Bern, United States Post Office and Courthouse, $10,640,000.

Special Emphasis Programs:

Energy and Water Retrofit and Conservation Measures, $36,647,000.

Basic Repairs and Alterations, $350,000,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming

guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $149,570,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,642,156,000 for rental of space which shall remain available until expended; and (5) $2,197,354,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2009, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $54,578,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $70,645,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $54,000,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,934,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

PRESIDENTIAL TRANSITION EXPENSES

For expenses necessary to carry out the Presidential Transition Act of 1963, $8,520,000, of which not to exceed $1,000,000 is for activities authorized by subsections 3(a)(8) and (9) of the Act.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, $36,096,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $50,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2009 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2009 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2010 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under section 3307 of title 40, United States Code, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 516. Subsections (a) and (b)(1) of section 323 of title 40, United States Code, are each amended by striking ''Consumer Information Center'' and inserting ''Federal Citizen Services''; and subsection (a) is further amended by striking ''consumer''.

SEC. 517. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

SEC. 518. WORKING CAPITAL FUND. (a) PURPOSE AND OPERATION OF WORKING CAPITAL FUND.—Subsections (a), (b) and (c) of section 3173 of title 40, United States Code, are amended to read as follows:

''(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget).

''(b) COMPOSITION.—

''(1) IN GENERAL.—Amounts received shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund: *Provided*, That entities for which such services are performed shall be charged at rates which will return in full all costs of providing such services.

''(2) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation

with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged to entities for which services are performed, in accordance with the plan.

''(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year, after making provision for anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.''.

(b) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—Section 3173 of title 40, United States Code, is amended to add subsection (d), as follows:

''(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—

''(1) IN GENERAL.—Subject to subparagraph (2), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the 'Major equipment acquisitions and development activity' of the working capital fund of the General Services Administration for agency-wide acquisition of capital equipment, automated data processing systems and financial management and management information systems: *Provided*, That acquisitions are limited to those needed to implement the Chief Financial Officers Act of 1990 (Public Law 101–576, 104 Stat. 2838) and related laws or regulations.

''(2) REQUIREMENTS AND AVAILABILITY.—

''(A) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.

''(B) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

''(C) AVAILABILITY.—An amount transferred under this section remains available until expended.''

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 312 of such title is repealed.

(2) The heading for section 3173 of such title is amended to read as follows:

''§ 3173. Working capital fund for General Services Administration''.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $500,000, to remain available until expended: *Provided*, That hereafter, all requests of the Board of Trustees to the Secretary of the Treasury provided for in this section shall be binding on the Secretary, including requests for the issuance at par of special obligations exclusively to the fund as provided for in section 10(b), which the Secretary shall implement without regard to the determination related to the public interest required by the last sentence of that section.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $38,811,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $3,750,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $2,100,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $330,308,000, of which $650,000 shall remain available until September 30, 2010.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $67,008,000, of which $45,795,000 shall remain available until September 30, 2011: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $50,711,000, to remain available until expended: *Provided*, That the Archivist is authorized to construct an addition to the John F. Kennedy Presidential Library and Museum; and of the funds provided, $22,000,000 shall be available for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition; $17,500,000 is for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York; and $2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and Museum that is under the joint control and custody of the University of Texas: *Provided further*, That such funds shall remain available until expended for this purpose and may be transferred directly to the University and used, together with University funds, for the repair and restoration of the plaza: *Provided further*, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: *Provided further*, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government for this project: *Provided further*, That hereafter, no further Federal funding shall be provided for this plaza project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $11,250,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account of the National Archives and Records Administration for operating expenses of the National Historical Publications and Records Commission.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the ''Repairs and Restoration'' appropriations account to be updated yearly: *Provided*, That funds proposed under the ''Repairs and Restoration'' appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2009, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2009 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available until September 30, 2010 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,000,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $92,829,000, of which $5,851,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $118,082,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $15,200,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2009, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: *Provided further*, That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the accompanying report.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,828,000, and in addition, not to exceed $18,755,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $17,468,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,043,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,500,000, to remain available until September 30, 2010.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $943,000,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $130,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $894,356,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $48,644,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2009 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2009 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as

authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $386,896,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That $110,000,000 shall be available to fund grants for performance in fiscal year 2009 or fiscal year 2010 as authorized, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $7,654,400 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,750,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $2,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,500,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2009 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2009 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2009, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $138,480,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2009.

SEC. 522. None of the funds made available under this Act may be used by the Small Business Administration to implement the rule relating to women-owned small business Federal contract assistance procedures published in the Federal Register on October 1, 2008 (73 Fed. Reg. 56940 et seq.).

SEC. 523. Of the amount made available under the heading ''State and Tribal Assistance Grants'' under title II of division F of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2125) for the Mingo County Redevelopment Authority, $2,953,000 is transferred to the ''Salaries and Expenses'' account of the Small Business Administration. The amount transferred under this section shall be for the Mingo County Redevelopment Authority and shall be available for use under the terms and conditions otherwise applicable to amounts appropriated for the ''Salaries and Expenses'' account of the Small Business Administration and shall remain available until expended.

SEC. 524. Funds made available under section 534 of Public Law 110–161 (121 Stat. 2125) for the Alabama Small Business Institute of Commerce, Small Business Incubator, Rainbow City, Alabama shall be made available to Alabama Small Business Institute of Commerce, Rainbow City, Alabama.

SEC. 525. For an additional amount under the heading ''Small Business Administration, Salaries and Expenses'', $65,653,678, to remain available until September 30, 2010, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, and in the amounts specified in the table that appears under the heading ''Administrative Provisions–Small Business Administration'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $111,831,000, of which $82,831,000 shall not be available for obligation until October 1, 2009: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2009.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $239,356,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $48,463,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this

Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Section 5112 of title 31, United States Code (as amended by Public Law 110–161), is amended—

(1) by redesignating the second subsection (r) as subsection (s), and

(2) by striking ''paragraph (4)'' each place it appears in subsection (s)(5) (as redesignated by paragraph (1)) and inserting ''paragraph (3)''.

SEC. 617. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 618. LIFE INSURANCE FOR TAX COURT JUDGES AGE 65 OR OVER. (a) IN GENERAL.—Section 7472 of title 26, United States Code, is amended by inserting after the word ''imposed'' where it appears in the second sentence the following phrase ''after April 24, 1999, that is incurred''.

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

SEC. 619. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2008, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2009 shall remain available until expended.

SEC. 620. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

''(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods pursuant to the provisions of this title.''.

SEC. 621. None of the funds made available in this Act may be used to administer, implement, or enforce the amendments made to section 515.560 and section 515.561 of title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba, that were published in the Federal Register on June 16, 2004.

SEC. 622. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 623. CHRISTOPHER COLUMBUS FELLOWSHIP AUTHORIZATION. The Christopher Columbus Fellowship Act (20 U.S.C. 5701 et seq.) is amended—

(1) in section 426(a) (20 U.S.C. 5705(a))—

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

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

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

''(4) amounts appropriated to the Foundation, as authorized under section 430; and''; and

(2) by adding at the end the following new section:

''SEC. 430. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Foundation, such sums as may be necessary to carry out this subtitle.''.

SEC. 624. Notwithstanding any other provision of law, for fiscal year 2009 and each fiscal year thereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(k) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this section, ''real estate brokerage activity'' shall mean ''real estate brokerage'', and ''real estate management activity'' shall mean ''property management'', as those terms were understood by the Board of Governors of the Federal Reserve System prior to March 11, 2000.

SEC. 625. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking ''March 1, 2008'' and inserting ''November 1, 2010''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 626. (a) Within 90 days after the date of enactment of this Act, the Federal Trade Commission shall initiate a rulemaking proceeding with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Any violation of a rule prescribed under this subsection shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(b)(1) Except as provided in paragraph (6), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of section 128 of the Truth in Lending Act (15 U.S.C. 1638), any other provision of the Truth in Lending Act, or any mortgage loan rule promulgated by the Federal Trade Commission to obtain penalties and relief provided under such Act or rule whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of such Act or rule.

(2) The State shall serve written notice to the Commission of any civil action under paragraph (1) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice

immediately upon instituting such civil action.

(3) Upon receiving the notice required by paragraph (2), the Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action;

(B) remove the action to the appropriate United States district court; and

(C) file petitions for appeal of a decision in such civil action.

(4) Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code; and

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted.

(6) Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any law or rule as alleged in such complaint.

(7) If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

(c) Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end the following:

''(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Federal Reserve Board pursuant to subsection (l)(2) of this section shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.''.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2009 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2009, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2009, in an amount that exceeds the rate payable for the applicable

grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2009, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2009 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2009 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2008, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2008, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2008.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film

presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 721. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Governmentwide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2009, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date,

the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2009 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2010. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 735. Section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2029) is amended by striking ''more than 10''.

SEC. 736. Section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is amended by striking subsection (b) and inserting the following:

''(b) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

''(1) GUIDELINES REQUIRED.—(A) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

''(B) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

''(2) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

''(A) is performed by a contractor and—

''(i) has been performed by Federal employees at any time during the previous 10 years;

''(ii) is a function closely associated with the performance of an inherently governmental function;

''(iii) has been performed pursuant to a contract awarded on a non-competitive basis; or

''(iv) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

''(B) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

''(3) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law or regulation before—

''(A) in the case of a new agency function, assigning the performance of the function to Federal employees;

''(B) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

''(C) in the case of an agency function performed by Federal employees, expanding the scope of the function.

''(4) DEADLINE.—(A) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

''(B) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(5) DEFINITIONS.—In this subsection:

''(A) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

''(B) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

''(6) APPLICABILITY.—This subsection shall not apply to the Department of Defense.''.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 738. (a) Section 142(a) of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580) is amended by striking ''Security.'' and inserting ''Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in section 7103(a)(4) of title 5, United States Code.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

SEC. 739. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 740. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 741. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies

that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 743. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 744. (a) Each executive department and agency shall establish and maintain on the homepage of its website, an obvious, direct link to the website of its respective Inspector General.

(b) Each Office of Inspector General shall: (1) post on its website any public report or audit or portion of any report or audit issued within one day of its release; (2) provide a service on its website to allow an individual to request automatic receipt of information relating to any public report or audit or portion of that report or audit and which permits electronic transmittal of the information, or notice of the availability of the information without further request; and (3) establish and maintain a direct link on its website for individuals to anonymously report waste, fraud and abuse.

SEC. 745. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 746. None of the funds made available by this or any other Act may be used to implement, administer, or enforce section 5(b) of Executive Order 13422 (72 Fed. Reg. 2763; relating to Regulatory Policy Officer).

SEC. 747. No later than 120 days after enactment of this Act, the Office of Management and Budget shall submit a status report on the pilot program, established under section 748 of division D of Public Law 110–161, to develop and implement an inventory to track the cost and size (in contractor manpower equivalents) of service contracts, particularly with respect to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last 5 years, involve inherently governmental functions, or were undertaken without competition.

SEC. 748. Executive Order 13423 (72 Fed. Reg. 3919; Jan. 24, 2007) shall remain in effect hereafter except as otherwise provided by law after the date of the enactment of this Act.

SEC. 749. Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President.

SEC. 750. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 751. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given those terms in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 752. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2008. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making

refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless in the case of Federal funds, the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each reprogramming conducted subject to this subsection.

(c) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through December 1, 2009.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 808. (a) Section 446B(f) of the District of Columbia Home Rule Act (sec. 1–204.46b(f), D.C. Official Code) is amended by striking ''fiscal years 2006 through 2008'' and inserting ''fiscal year 2006 and each succeeding fiscal year''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the 2005 District of Columbia Omnibus Authorization Act.

SEC. 809. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 810. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 813. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 814. (a) Notwithstanding section 615(i)(3)(B) of the Individuals With Disabilities Education Act (20 U.S.C. 1415(i)(3)(B)), none of the funds contained in this Act or in any other Act making appropriations for the government of the District of Columbia for fiscal year 2009 or any succeeding fiscal year may be made available—

(1) to pay the fees of an attorney who represents a party in or defends an IDEA proceeding which was initiated prior to the date of the enactment of this Act in an amount in excess of $4,000 for that proceeding; or

(2) to pay the fees of an attorney or firm who represents a party in or defends an IDEA proceeding if the Chief Financial Officer of the District of Columbia determines that the attorney or firm has a pecuniary interest (either directly or through an attorney, officer, or employee of the firm) in any special education diagnostic services or schools or other special education service providers.

(b) In this section, the term ''IDEA proceeding'' means any action or administrative proceeding (including any ensuing or related proceedings before a court of competent jurisdiction) brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

SEC. 816. Beginning in fiscal year 2009 and each fiscal year thereafter, the amount appropriated to the District of Columbia may be increased by no more than $100,000,000

from funds identified in the annual comprehensive annual financial report as the District's immediately preceding fiscal year's unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 817. (a) Beginning in fiscal year 2009 and each fiscal year thereafter, consistent with revenue collections, the amount appropriated as District of Columbia Funds may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the annual Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 818. Beginning in fiscal year 2009 and each fiscal year thereafter, the Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency reserve funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 819. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 820. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 821. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred shall retain appropriation authority consistent with the provisions of this Act.

SEC. 822. (a) INCREASE IN THE HOURLY RATE FOR ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA COURTS.—Section 11–2604(a), District of Columbia Official Code, is amended by striking ''$80 per hour'' and inserting ''$90 per hour''.

(b) SPECIAL RULE FOR COMPENSATION OF ATTORNEYS IN NEGLECT AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.—Section 16–2326.01(b), District of Columbia Official Code, is amended—

(1) in paragraph (1), by striking ''$1,760'' and inserting ''$1,980'';

(2) in paragraph (2), by striking ''$1,760'' and inserting ''$1,980'';

(3) in paragraph (3), by striking ''$2,400'' and inserting ''$2,700''; and

(4) in paragraph (4), by striking ''$1,200'' and inserting ''$1,350''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cases and proceedings initiated on or after the date of enactment of this Act.

SEC. 823. Section 2 of the Act entitled ''An Act Relative to the control of wharf property and certain public spaces in the District of Columbia'', approved March 3, 1899 (sec. 10–501.02(a), D.C. Official Code) is amended by striking the last sentence.

SEC. 824. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2009''.

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $890,194,000, to remain available until expended, of which not to exceed $79,478,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2009 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $36,400,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $4,000 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $890,194,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $14,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $109,949,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in

the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

PAYMENTS FROM PROCEEDS, SALE OF WATER

(RESCISSION)

The unobligated balances available under this heading on the date of enactment of this Act are permanently rescinded.

USE OF RECEIPTS FROM MINERAL LEASING ACTIVITIES ON CERTAIN NAVAL OIL SHALE RESERVES

(RESCISSION)

Of the unobligated balances available under this heading, $12,996,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

In fiscal year 2009 and each fiscal year thereafter, the Bureau of Land Management shall collect mining law administration fees; such fees shall be collected in the same manner as those authorized by 30 U.S.C. 28f and 28g only to the extent provided in advance in appropriations Acts.

The provisions of law codified at sections 28f(a) and 28g of title 30, United States Code, are amended to remove the modifications made under the heading ''administrative provisions'', under the heading ''Bureau of Land Management'' in title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2101).

Sums not to exceed 1 percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology-procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,140,962,000, to remain available until September 30, 2010 except as otherwise provided herein: *Provided,* That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further,* That not to exceed $19,266,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $10,458,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2008: *Provided further,* That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further,* That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $35,587,000, to remain available until expended: *Provided,* That of the unobligated balances made available in Public Law 101–512 to carry out the Anadromous Fish Conservation Act, all remaining amounts are permanently rescinded.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $42,455,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601–9, not more than $1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $80,001,000, to remain available until expended, of which $25,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $54,694,000 is to be derived from the Land and Water Conservation Fund: *Provided,* That of the unobligated balances available under this heading, $4,500,000 are permanently rescinded.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,100,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands

Conservation Act, as amended (16 U.S.C. 4401–4414), $42,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $4,750,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $10,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $11,106,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2009 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2010, shall be reapportioned, together with funds appropriated in 2011, in the manner provided herein.

WILDLIFE CONSERVATION AND APPRECIATION FUND

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, all remaining amounts are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,131,529,000, of which $9,851,000 for planning and interagency coordination in support of Everglades restoration and $99,586,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2010.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $59,684,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $69,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2010; of which $20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That of the unobligated balances in this account, $516,000 are permanently rescinded.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $233,158,000, to remain available until expended: *Provided*, That funds appropriated in this Act, or in any prior Act of Congress, for the implementation of the Modified Water Deliveries to Everglades National Park Project, shall be made available to the Army Corps of Engineers which shall, notwithstanding any other provision of law, immediately and without further delay construct or cause to be constructed Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) consistent with the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008: *Provided further*, That the Secretary of the Interior, acting through the National Park Service, is directed to immediately evaluate the feasibility of additional bridge length, beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. §410r–8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail (U.S. Highway 41) to restore more natural water flow to Everglades National Park and Florida Bay and for the purpose of restoring habitat within the Park and the ecological connectivity between the Park and the Water Conservation Areas. The feasibility study and the recommendation of the Secretary shall be submitted to the Congress no later than 12 months from the date of enactment of this Act: *Provided further*, That for fiscal year 2009 and hereafter, fees paid by the National Park Service to the West Yellowstone/Hebgen Basin Solid Waste District will be restricted to operations and maintenance costs of the facility, given the capital contribution made by the National Park Service: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the construction project at the Jefferson Memorial plaza and seawall in Washington, DC, may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: *Provided further*, That the National Park Service shall grant funds not to exceed $3,000,000 to the St. Louis Metropolitan Park and Recreation District for the purpose of planning and constructing a pedestrian bridge to provide safe visitor access to the Jefferson National Expansion Memorial Arch: *Provided further*, That the unobligated balances in the Federal Infrastructure Improvement Fund under this heading are permanently rescinded.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2009 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $65,190,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $20,000,000 is for the State assistance program and of which $4,000,000 is available for grants, subject to a match by at least an equal amount, to States, regional entities, local communities, and the private sector for cost-shared fee simple acquisition of land or permanent, protective interests in land, to preserve, conserve, and enhance nationally significant Civil War Battlefields: *Provided*, That of the unobligated balances under this heading for State Assistance, $1,000,000 are permanently rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,300,000 are rescinded.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For fiscal year 2009 and hereafter, a willing seller from whom the Service acquires title to real property may be considered a ''displaced person'' for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking ''2009'' and inserting ''2010''.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,043,803,000, to remain available until September 30, 2010, of which $64,078,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $157,373,000, to remain available until September 30, 2010, of which $86,684,000 shall be available for royalty management activities; and an amount not to exceed $146,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided*, That in fiscal year 2009 and each fiscal year thereafter, fees and charges authorized by 31 U.S.C. 9701 may be collected only to the extent provided in advance in appropriations Acts: *Provided further*, That notwithstanding 31 U.S.C. 3302, in fiscal year 2009, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further*, That to the extent $146,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $146,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2009 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $120,156,000, to remain available until September 30, 2010: *Provided*, That, in fiscal year 2009 and thereafter, the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $52,946,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public

Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That in fiscal year 2009 and hereafter, the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Act, if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount, together with all interest earned on the amount, is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That of the unobligated balances available under this heading, $8,500,000 are permanently rescinded: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,128,630,000, to remain available until September 30, 2010 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $147,294,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2009, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $499,470,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2009, and shall remain available until September 30, 2010; and of which not to exceed $58,623,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2008 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2008, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2010, may be transferred during fiscal year 2011 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2011.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $217,688,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2009, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, and 109–479, and for implementation of other land and water rights settlements, $21,627,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,186,000, of which $1,600,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That of the amounts provided herein for administrative expenses, $500,000 is for the modernization of a management and accounting system: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,200,517.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in

the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $107,264,000; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That, for fiscal year 2009 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100.

MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE USES

(RESCISSION)

The unobligated balances under this heading as of the date of enactment of this provision are permanently rescinded.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,665,000, of which: (1) $69,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $8,850,000 shall be available until September 30, 2010 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $62,050,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $45,953,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $181,648,000, to remain available until expended, of which not to exceed $56,445,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2009, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That not to exceed $6,000,000 may be transferred from unobligated balances (Treasury Accounts 14X6039, 14X6803 and 14X8030) for the purpose of one-time accounting reconciliations of the balances, as sanctioned by the Chief Financial Officers Act of 1990, American Indian Trust Fund Management Reform Act of 1994 and the Federal Managers' Financial Integrity Act (FMFIA).

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $859,453,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be

shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,148,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,338,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $73,435,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2009. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided,* That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Kempthorne to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Kempthorne.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the

range of water levels required for the operation of the Glen Canyon Dam.

SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 110–161, is further amended by deleting the phrase ''in fiscal year 2008 only'' and inserting in lieu thereof ''in fiscal years 2008 and 2009 only''.

SEC. 112. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SEC. 113. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 115. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

SEC. 116. The Pittsford National Fish Hatchery in Chittenden, Vermont is hereby renamed the Dwight D. Eisenhower National Fish Hatchery.

SEC. 117. Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh–4) is amended—

(1) in subsection (a)—

(A) by striking ''(a) ESTABLISHMENT.—(1) When'' and inserting the following:

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—When'';

(B) in paragraph (2), by striking ''(2) Such establishment'' and inserting the following:

''(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)''; and

(C) by adding at the end the following:

''(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.'';

(2) in subsection (c)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

''(A) emphasize migratory bird conservation; and

''(B) take into consideration the role of the Refuge in broader landscape conservation efforts.''; and

(3) in subsection (d)—

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

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.''.

SEC. 118. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $790,051,000, to remain available until September 30, 2010.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $19,000 for official reception and representation expenses, $2,392,079,000, to remain available until September 30, 2010: *Provided*, That of the funds included under this heading, not less than $95,846,000 shall be for the Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2010.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,285,024,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2008, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,285,024,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2010, and $26,417,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2010.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $112,577,000, to remain available until expended, of which $77,077,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $17,687,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,968,464,000, to remain available until expended, of which $689,080,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited

to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $829,029,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $18,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided,* That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $145,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $97,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $15,000,000 shall be for grants for cost-effective emission reduction projects in accordance with the terms and conditions of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and $1,094,855,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further,* That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2009 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2009, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further,* That for fiscal year 2009, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2009, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

For fiscal year 2009 and thereafter, the Science and Technology and Environmental Programs and Management Accounts are available for uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–02 and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the daily equivalent of the rate paid for level IV of the Executive Schedule. Unless specifically authorized by law, for fiscal year 2009 and thereafter, none of the funds available under this title for grants may be used to pay for the salaries of individual consultants at more than the daily equivalent of the rate paid for level IV of the Executive Schedule.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Title II of Public Law 109–54, under the heading Administrative Provisions, is amended: in the fourth paragraph, strike ''make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development'' and insert ''employ up to thirty persons at any one time in the Office of Research and Development under the authority provided in 42 U.S.C. 209''.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, $10,000,000 are permanently rescinded.

Of the funds provided in the Environmental Programs and Management Account, not less than $6,500,000 shall be used for activities to develop and publish a final rule not later than June 26, 2009, and to begin implementation, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States, as required by Public Law 110–161.

For fiscal year 2009 and thereafter, the Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed $85,000 per project.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $296,380,000, to remain available until expended: *Provided,* That of the funds provided, $60,770,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $265,861,000, to remain available until expended, as authorized by law; and of which $49,445,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,514,805,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in

accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That of the unobligated balances in this account, $5,000,000 are rescinded.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $495,393,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That up to $40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2009 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $49,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,131,630,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $328,086,000 is for hazardous fuels reduction activities, $11,500,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $55,000,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $17,252,000 is for forest health activities on Federal lands and $9,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees

on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $50,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,190,956,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $634,477,000 for contract medical care, including $31,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than $36,189,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $282,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2009, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian

Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $390,168,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $78,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $74,039,000, of which up to $1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2009, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: *Provided,* That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $10,199,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $300,000 shall be paid to the ''Office of Inspector General'' appropriation of the Environmental Protection Agency.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,530,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding

categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,900,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $593,400,000, of which not to exceed $19,352,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2010; and including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $123,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

For major restoration, renovation, and rehabilitation of existing Smithsonian facilities, $15,000,000, to remain available until expended: *Provided,* That such funds may be made available in incremental amounts for individual projects after being matched by an equal amount in private donations, which shall not include in-kind contributions: *Provided further,* That none of the funds made available under this heading, or any required matching funds, shall be used for day-to-day maintenance, general salaries and expenses, or programmatic purposes: *Provided further,* That the total amount of private contributions may be adjusted to reflect any provision in this or any other appropriations Act that affects the overall amount of the Federal appropriation for this Fund.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $105,388,000, of which not to exceed $3,350,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $17,368,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $21,300,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $15,064,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $155,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447: *Provided further,* That hereinafter funds previously appropriated to the National Endowment for the Arts ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $155,000,000, to remain available until expended, of which $140,700,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,300,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,234,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000: *Provided*, That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public

Law 89–665, as amended), $5,498,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,328,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $47,260,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $17,450,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2006.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2009, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), and Public Law 110–161 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2008 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 410. Prior to October 1, 2009, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged

business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 414. None of the funds made available by this or any other Act may be used in fiscal year 2009 for competitive sourcing studies and any related activities involving Forest Service personnel.

SEC. 415. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 416. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

SEC. 417. Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012) is amended by striking ''September 30, 2006'' and inserting ''September 30, 2010''.

SEC. 418. Section 330 of Public Law 106–291 concerning Service First authorities (114 Stat. 996), as amended by section 428 of Public Law 109–54 (119 Stat. 555–556), is further amended by striking ''2008'' and inserting in lieu thereof ''2011''.

SEC. 419. Section 422 of title IV of division F of Public Law 110–161 is amended by inserting after ''fiscal year 2007'' the following: ''and subsequent fiscal years through fiscal year 2014''.

SEC. 420. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

SEC. 421. The boundaries of the Tongass National Forest in the State of Alaska are modified to include the approximately 1,043.38 acres of land acquired by the United States from the Alaska Mental Health Trust Authority, which is more particularly described as lots 1-B and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S. Survey No. 3858 and U.S. Survey No. 3849.

SEC. 422. Title V of the Forest Service Realignment and Enhancement Act, 2005, Public Law 109–54, 119 Stat. 559–563; 16 U.S.C. 580d note, is amended as follows:

(1) In section 503, subsection (f) by striking ''2008'' and inserting in lieu thereof ''2011'' and;

(2) In section 504—

(A) in subsection (a)(3) by striking in whole, and inserting in lieu thereof ''TERMS, CONDITIONS, AND RESERVATIONS.—The conveyance of an administrative site under this title shall be subject to such terms, conditions, and reservations as the Secretary determines to be necessary to protect the public interest'';

(B) in subsection (d)(1) by striking ''Subchapter I of chapter 5'', and inserting in lieu thereof ''Chapter 5 of subtitle I''; and

(C) in subsection (d)(4)(B) by striking in whole, and inserting in lieu thereof ''determine whether to include terms, conditions, and reservations under subsection (a)(3); and''.

SEC. 423. LAKE TAHOE BASIN HAZARDOUS FUEL REDUCTION PROJECTS. (a) Hereafter, subject to subsection (b), a proposal to authorize a hazardous fuel reduction project, not to exceed 5,000 acres, including no more than 1,500 acres of mechanical thinning, on the Lake Tahoe Basin Management Unit may be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) if the project:

(1) is consistent with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy published in December 2007 and any subsequent revisions to the Strategy;

(2) is not conducted in any wilderness areas; and

(3) does not involve any new permanent roads.

(b) A proposal that is categorically excluded under this section shall be subject to—

(1) the extraordinary circumstances procedures established by the Forest Service pursuant to section 1508.4 of title 40, Code of Federal Regulations; and

(2) an opportunity for public input.

SEC. 424. Not later than June 30, 2009, the Administrator of the Environmental Protection Agency shall reconsider, and confirm or reverse, the decision to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles.

SEC. 425. TOXICS RELEASE INVENTORY REPORTING. Notwithstanding any other provision of law—

(1) none of the funds made available by this or any other Act may, hereafter, be used to implement the final rule promulgated by the Administrator of the Environmental Protection Agency entitled ''Toxics Release Inventory Burden Reduction Final Rule'' (71 Fed. Reg. 76932); and

(2) the final rule described in paragraph (1) shall have no force or effect. The affected regulatory text shall revert to what it was before the final rule described in paragraph (1) became effective, until any future action taken by the Administrator.

SEC. 426. Section 325 of Public Law 108–108 is amended by striking ''fiscal years 2004–2008'' and inserting ''fiscal year 2009.''

SEC. 427. The Secretary of Agriculture and the Secretary of the Interior shall execute an agreement that transfers management and oversight including transfer of function for the workforce, of the Centennial, Collbran, Columbia Basin, Fort Simcoe, Treasure Lake, and Weber Basin Job Corps Centers to the Forest Service. These Job Corps centers shall continue to be administered as described in section 147(c) of Public Law 105–220, Workforce Investment Act of 1998.

SEC. 428. Section 434 of division F of Public Law 110–161 is amended by striking paragraph (3) and inserting a new paragraph (3) as follows:

''(3) By adding at the end the following:

'''(m) Section 106 of Public Law 108–148 shall apply to all projects authorized by this Act. Sections 104 and 105 of Public Law 108–148 may be applied to projects authorized by this Act.'.''.

SEC. 429. (a) During the 60-day period beginning on the date of the enactment of this Act—

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or reissue the rule described in subsection (c)(1) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal; and

(2) the Secretary of the Interior may withdraw or reissue the rule referred to in subsection (c)(2) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal.

(b) If the Secretary of the Interior or the Secretary of Commerce (or both) withdraws a rule under subsection (a), such Secretary shall implement the provisions of law under which the rule was issued in accordance with the regulations in effect under such provisions immediately before the effective date of such rule, except as otherwise provided by any Act or rule that takes effect after the effective date of the rule that is withdrawn.

(c) The rules referred to in subsection (a) are the following:

(1) The final rule relating to ''Interagency Cooperation under the Endangered Species Act'', issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service and signed November 26, 2008, by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior and the Deputy Assistant Administrator for the Regulatory Programs of the National Marine Fisheries Service.

(2) The final rule relating to ''Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear'', issued by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior on December 10, 2008.

SEC. 430. Within the amounts appropriated in this division, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Congressionally Directed Spending'' included in the explanatory statement accompanying this Act (as described in section 4, in the matter preceding division A of this consolidated Act).

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009''.

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,626,448,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,969,449,000 as follows:

(A) $861,540,000 for adult employment and training activities, of which $149,540,000 shall be available for the period July 1, 2009, through June 30, 2010, and of which $712,000,000 shall be available for the period October 1, 2009 through June 30, 2010;

(B) $924,069,000 for youth activities, which shall be available for the period April 1, 2009 through June 30, 2010; and

(C) $1,183,840,000 for dislocated worker employment and training activities, of which

$335,840,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which $848,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, $489,429,000 as follows:

(A) $283,051,000 for the dislocated workers assistance national reserve, of which $71,051,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which $212,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers;

(B) $52,758,000 for Native American programs, which shall be available for the period July 1, 2009 through June 30, 2010;

(C) $82,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $76,710,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $5,400,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2009 through June 30, 2010; and

(E) $70,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010: *Provided*, That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy;

(3) for national activities, $167,570,000, as follows:

(A) $48,781,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2009 through June 30, 2010, of which $5,000,000 shall be for competitive grants to address the employment and training needs of young parents (notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA), and of which $41,324,000 shall be used for the projects, and in the amounts, specified under the heading ''Training and Employment Services'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $108,493,000 for ex-offender activities, under the authority of section 171 of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D): *Provided*, That not less than $88,500,000 shall be for youthful offender activities, of which $35,000,000 shall be for a program of competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $6,918,000 for Evaluation, which shall be available for the period July 1, 2009 through June 30, 2010; and

(D) $3,378,000 for the Denali Commission, which shall be available for the period July 1, 2009 through June 30, 2010.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $571,925,000, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided*, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2009 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $958,800,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2009.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $91,698,000, together with not to exceed $3,563,167,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $2,782,145,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2009, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2011, and funds used for unemployment insurance workloads experienced by the States through September 30, 2009 shall be available for Federal obligation through December 31, 2009;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010;

(4) $20,869,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $67,950,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $52,821,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities;

(6) $51,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010; and

(7) $17,295,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2009 through June 30, 2010:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2009 is projected by the Department of Labor to exceed 3,487,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation

principles prescribed under the Office of Management and Budget Circular A–87: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews: *Provided*, That not later than June 30, 2010, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than June 30, 2011, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal unemployment benefits and allowances'' account, to remain available through September 30, 2010, $422,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2009, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $85,323,000, together with not to exceed $45,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $143,419,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by 31 U.S.C. 9104 as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2009, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2009 shall be available for obligations for administrative expenses in excess of $444,722,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2009, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pre-termination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $438,166,000, together with $2,101,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $97,000,000 are rescinded as of September 30, 2009.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2008, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2009: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,720,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $15,068,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $23,273,000;

(3) For periodic roll management and medical review, $14,379,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $188,130,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2010, $56,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $49,654,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2009 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2009 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,308,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $24,694,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $325,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $513,042,000, including not to exceed $92,593,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and

Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,000,000 shall be available for Susan Harwood training grants, of which $3,144,000 shall be used for the Institutional Competency Building training grants awarded in February 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $347,003,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,808,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $518,918,000, together with not to exceed $78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $26,679,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,871,000, of which $86,074,000 is for the Bureau of International Labor Affairs (including $6,500,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $21,286,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,683,938,000, plus reimbursements, as follows:

(1) $1,540,276,000 for Job Corps Operations, of which $949,276,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010 and of which $591,000,000 shall be available for obligation for the period October 1, 2009 through June 30, 2010;

(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 shall be available for the period July 1, 2009 through June 30, 2012 and $100,000,000 shall be available for the period October 1, 2009 through June 30, 2012; and

(3) $28,662,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2008 through September 30, 2009:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $205,468,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2009, of which $1,949,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $33,971,000, of which $7,641,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $76,326,000, together with not to exceed $5,815,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced

Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2008, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $115) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the ''Department of Labor Appropriations Act, 2009''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act (''PHS Act''), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, $7,234,436,000, of which $39,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $56,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $307,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,886,873,000 shall remain available to the Secretary of Health and Human Services through September 30, 2011, for parts A and B of title XXVI of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of the PHS Act, $10,853,000 is available to the Secretary of Health and Human Services through September 30, 2011, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2009 to metropolitan areas that received grant funding in fiscal year 2008 under subpart I of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart I of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 93.7 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2008 under subpart II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart II of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 88.7 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2008, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That $815,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $92,551,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs including faculty loan repayment, and not less than $29,025,000 shall be for family medicine programs: *Provided further*, That of the funds provided, $19,642,000 shall be provided to the Denali

Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds provided, $26,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: *Provided further*, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, $310,470,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading ''Health Resources and Services'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and of which up to one percent of the amount for each project may be used for related agency administrative expenses: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $9,201,000 is available for State Offices of Rural Health: *Provided further*, That of the funds provided, $15,000,000 is available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act (''PHS Act''). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $5,404,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act (''PHS Act''), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,283,350,000, of which $151,500,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which $570,307,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $21,997,000 shall be used for the projects, and in the amounts, specified under the heading ''Disease Control, Research, and Training'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); of which $118,863,000 for international HIV/AIDS shall remain available through September 30, 2010; and of which $70,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: *Provided*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $124,701,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $46,780,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $91,225,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this heading, up to $1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further*, That not to exceed $19,528,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $15,000,000 shall be for States newly eligible in fiscal year 2009 under section 2625 of the PHS Act as of December 31, 2008 and shall be distributed by May 31, 2009 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and amounts that have not been obligated by May 31, 2009 shall be made available to States and local public health departments for HIV testing activities: *Provided further*, That none of the funds made available in this Act to carry out part A of title XIX of the PHS Act may be used to provide more than 75 percent of any State's allotment under section 1902 of the PHS Act until such State certifies that it will submit a plan to the Secretary of Health and Human Services, not later than January 1, 2010, to reduce healthcare-associated infections: *Provided further*, That each such State plan shall be consistent with the Department of Health and Human Services' national action plan for reducing healthcare-associated infections and include measurable 5-year goals and interim milestones for reducing such infections: *Provided further*, That the Secretary shall conduct a review of the State plans submitted pursuant to the preceding proviso and report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010, regarding the adequacy of such plans for achieving State and national goals for reducing healthcare-associated infections: *Provided further*, That for purposes of the two preceding provisos, the term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,968,973,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,015,689,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $402,652,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,761,338,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,593,344,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,702,572,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,997,801,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,294,894,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $688,480,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $662,820,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,080,796,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $524,872,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $407,259,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $141,879,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $450,230,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,032,759,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,450,491,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $502,367,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $308,208,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,226,263,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $125,471,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $205,959,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,691,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (''PHS Act'') with respect to health information communications, $330,771,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2009, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health (''NIH''), $1,246,864,000, of which up to $25,000,000 shall be used to carry out section 214 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $192,300,000 shall be available for continuation of the National Children's Study: *Provided further*, That $541,133,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (''PHS Act''): *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $125,581,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,334,906,000, of which $15,666,000 shall be used for the projects, and in the amounts, specified under the heading ''Substance Abuse and Mental Health Services'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That $2,000,000 shall be available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109–60: *Provided further*, That $772,000 shall be for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2009: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $22,750,000 to carry out national surveys on drug abuse and mental health; and (4) $8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (''PHS Act''), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed $372,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $149,335,031,000, to remain available until expended.

For making, after May 31, 2009, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2009 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2010, $71,700,038,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or

plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $195,383,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act (''PHS Act''), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,305,386,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $35,700,000, to remain available through September 30, 2010, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $108,900,000, to remain available through September 30, 2010, shall be for the Centers for Medicare and Medicaid Services (''CMS'') Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading shall be available for the Healthy Start, Grow Smart program under which the CMS may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2009 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That $4,542,000 shall be used for the projects, and in the amounts, specified under the heading ''Program Management'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $75,000,000 is available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $198,000,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $147,038,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, including activities listed in section 1893(b) of such Act; of which $18,967,000 shall be for the Department of Health and Human Services Office of Inspector General; of which $13,028,000 shall be for the Medicaid and State Children's Health Insurance Program (''SCHIP'') program integrity activities; and of which $18,967,000 shall be for the Department of Justice: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2009 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and SCHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,759,078,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2010, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $633,442,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2009 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2011.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $271,401,000 shall be reserved by the States for activities authorized under section 658G, of which $99,534,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act (''PHS Act''), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,301,111,000, of which $36,500,000, to remain available through September 30, 2010, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2009: *Provided*, That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further*, That $7,112,786,000 shall be for making payments under the Head Start Act, of which $2,000,000, to remain available through September 30, 2010, shall be designated to fund section 657B: *Provided further*, That $746,000,000 shall be for making payments under the CSBG Act: *Provided further*, That not less than $10,000,000 shall be for section 680(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG

Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $47,688,000 shall be for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $94,659,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grants, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That information provided through such competitive grants for abstinence education shall be scientifically accurate and shall comply with section 317P(c)(2) of the PHS Act: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,455,000 shall be available from amounts available under section 241 of the PHS Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That $16,910,000 shall be used for the projects, and in the amounts, specified under the heading ''Children and Families Services Programs'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,050,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2010, $1,800,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,491,343,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $5,123,000 shall be used for the projects, and in the amounts, specified under the heading ''Aging Services Programs'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, XXI, and XXIX of the Public Health Service Act (''PHS Act''), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $389,925,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; $5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That of the funds made available under this heading for carrying out title XX of the PHS Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act without application of the limitation of section 2010(c) of such title XX: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That $2,854,000 shall be used for the projects, and in the amounts, specified under the heading ''General Departmental Management'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate (''Committees on Appropriations'') in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $64,604,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $43,552,000: *Provided*, That in addition to amounts provided herein, $17,679,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,279,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $36,785,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $537,704,000, of which not to exceed $22,052,000 shall be to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act (''PHS Act'').

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, $275,000,000, to be derived by transfer from funds appropriated under the heading ''Biodefense Countermeasures'' in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2010.

For expenses necessary to prepare for and respond to an influenza pandemic, $448,091,000, together with $137,000,000 to be derived by transfer from funds appropriated under the heading ''Biodefense Countermeasures'' in the Department of Homeland Security Appropriations Act, 2004, of which $507,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act if such State certifies to the Secretary of Health and Human Services by May 1, 2009, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2009 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2008, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2008 State expenditures and all fiscal year 2009 obligations for tobacco prevention and compliance activities by program activity by July 31, 2009.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2009.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2009:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and

Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (''PHS Act'') to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 217. The Director of the National Institutes of Health (''NIH'') shall require in the current fiscal year and thereafter that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 218. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 219. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 220. Section 223 of division G of the Consolidated Appropriations Act, 2008, is amended in its first proviso by striking ''for'' the first time it appears and inserting ''in''.

SEC. 221. (a) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005, is amended—

(1) in clause (i)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section;

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act, 42 U.S.C. 300.''.

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

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in clause (i)(IV), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

SEC. 222. Section 202 of Public Law 102–394 is hereby amended by substituting ''4,000'' for ''2,800''.

SEC. 223. Within 60 days of passage of this Act, the Secretary of the Department of Health and Human Services shall issue an Advanced Notice of Proposed Rulemaking to solicit public comment in advance of modifying regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal oversight and identifying enhancements of policies, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

SEC. 224. Hereafter, the activities authorized under section 399M of the Public Health Service Act shall be known as the ''James T. Walsh Universal Newborn Hearing Screening Program.''

(RESCISSION OF FUNDS)

SEC. 225. Of the funds available for carrying out section 204 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), $21,500,000 are rescinded: *Provided*, That notwithstanding subsection (c)(3)(B) of such section, in no case may the aggregate amount of payments made by the Secretary of Health and Human Services to States under such section exceed $223,500,000.

SEC. 226. Section 1941(b)(1)(B) of the Social Security Act, as added by section 7002(b) of the Supplemental Appropriations Act, 2008, is amended by inserting ''each of'' after ''for''.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2009''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,760,086,000, of which $4,739,881,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $10,841,176,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2008, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,265,718,000, of which $1,128,535,000 shall be for basic support payments under section 8003(b), $48,602,000 shall be for payments for children with disabilities under section 8003(d), $17,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2010, $66,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2008–2009, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,362,016,000, of which $3,495,865,000 shall become available on July 1, 2009, and remain

available through September 30, 2010, and of which $1,681,441,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That of the funds available for section 2103(a) of the ESEA, $5,000,000 shall be available for a school leadership partnership initiative and up to $7,500,000 shall be available for teacher and principal quality national activities administered by the Secretary of Education, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further,* That $57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $33,791,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That $7,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, $996,425,000: *Provided*, That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c), including $1,000,000 to develop a National Board certification for principals of elementary and secondary schools: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That $347,640,000 shall be available to carry out part D of title V: *Provided further*, That $88,015,000 shall be used for the projects, and in the amounts, specified under the heading ''Innovation and Improvement'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $97,270,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to $21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $195,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $690,370,000, of which $294,759,000 shall become available on July 1, 2009, and remain available through September 30, 2010: *Provided*, That $294,759,000 shall be available for subpart 1 of part A of title IV and $220,240,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $141,912,000 shall be available to carry out part D of title V: *Provided further,* That of the funds available to carry out subpart 3 of part C of title II, up to $13,383,000 may be used to carry out section 2345 and $2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $730,000,000, which shall become available on July 1, 2009, and shall remain available through September 30, 2010, except that 6.5 percent of such amount shall be available on October 1, 2008, and shall remain available through September 30, 2010, to carry out activities under section 3111(c)(1)(C): *Provided,* That the Secretary of Education shall use the American Community Survey child counts to calculate State allocations under such part but, for any State that would otherwise receive greater than a 10-percent reduction from its previous year's allocation, the Secretary shall carry out such calculation using the average of the American Community Survey child counts for the 3 most recent years.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,579,677,000, of which $3,726,354,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $8,592,383,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games hosted in the United States.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,387,762,000: *Provided,* That $3,088,000 shall be used for the projects, and in the amounts, specified under the heading ''Rehabilitation Services and Disability Research'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $22,599,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $64,212,000, of which $1,175,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $124,000,000, of which $6,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') and title VIII–D of the Higher Education Amendments of 1998, $1,944,348,000, of which $4,400,000 shall become available on October 1, 2008 and remain available until

September 30, 2010, of which $1,148,948,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $791,000,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010: *Provided,* That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $6,878,000 shall be for national leadership activities under section 243 and $6,468,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2008, and shall remain available through September 30, 2010, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2009, and remain available through September 30, 2010, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $19,156,973,000, which shall remain available through September 30, 2010.

The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be $4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, $887,000,000 shall not be available until October 1, 2009.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $753,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, section 515 of the Federal Mine Safety and Health Act of 1977, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,100,150,000: *Provided*, That $9,687,000, to remain available through September 30, 2010, shall be available to fund fellowships for academic year 2010–2011 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That up to $6,556,000 shall be available to continue funding for recipients of multi-year awards under section 204 of the HEA, as that Act was in effect prior to the date of enactment of the Higher Education Opportunity Act (''HEOA''), in accordance with the terms of their awards: *Provided further*, That notwithstanding any other provision of law, funds available under section 371 of the HEA for Tribal Colleges and Universities may be used for construction grants, including such funds to recipients of continuation grants for multi-year awards that were made in fiscal year 2008 under section 316 of the HEA, as that Act was in effect prior to the date of enactment of the HEOA, in accordance with the terms of such multi-year awards: *Provided further*, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the HEOA, that would have otherwise received a continuation award for fiscal year 2009 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further,* That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further,* That $1,000,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: *Provided further,* That the Secretary of Education shall identify these scholarships as ''Erma Byrd Scholarships'': *Provided further,* That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: *Provided further,* That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: *Provided further*, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: *Provided further*, That these funds shall be used for scholarships for academic year 2009–2010 and may be available for scholarships in academic year 2010–2011: *Provided further*, That $91,243,000 shall be used for the projects, and in the amounts, specified under the heading ''Higher Education'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,464,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

Notwithstanding the limitations contained in section 344(a) of the Higher Education Act of 1965 (''HEA''), the aggregate principal amount of outstanding bonds insured under the Historically Black College and University Capital Financing Program is authorized to equal but not exceed $725,000,000, which may be used for loans to public and private historically black colleges and universities without regard to paragraphs (1) and (2) of section 344(a).

For the cost of guaranteed loans, $10,000,000, as authorized pursuant to Part D of title III of the HEA: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $100,000,000. In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $617,175,000, of which $312,241,000 shall be available until September 30, 2010: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information: *Provided further*, That up to $5,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $433,482,000, of which $5,400,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $96,826,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,539,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The signature pages submitted by Heart Butte School District in Pondera County, Montana, as part of its application for Impact Aid under title VIII of the Elementary and Secondary Education Act of 1965, shall be considered to have been timely and complete for purposes of receiving funding under such program for fiscal year 2009.

SEC. 306. The Outlying Areas may consolidate funds received under this Act as well as any remaining funds received under the Department of Education Appropriations Act, 2008, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

This title may be cited as the ''Department of Education Appropriations Act, 2009''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,094,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $680,564,000, of which $309,835,000 shall be to carry out the 1973 Act and $370,729,000 shall be to carry out the 1990 Act: *Provided*, That $27,500,000 of the amount provided under this heading shall be available to carry out subtitle E of the 1990 Act at five campuses throughout the United States: *Provided further*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not more than $55,000,000 of grants made under subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of the 1990 Act; and (2) $11,790,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $131,075,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' for grants made under subtitle C of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $71,715,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,512,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 (''1990 Act'') to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the 1990 Act.

SEC. 403. The Corporation for National and Community Service (''the Corporation'') shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2009, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 404. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for National and Community Service for a waiver of application of section 140(c)(2).

SEC. 405. Notwithstanding 31 U.S.C. 1342, the Corporation for National and Community Service (''the Corporation'') may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 406. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 407. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 408. Notwithstanding any other provision of law, formula-based grants to States and territories under section 129(a)(1)–(2) of the National and Community Service Act of 1990 to operate AmeriCorps programs may be made if the application describes proposed positions into which participants will be placed, the proposed minimum qualifications of such participants, and includes an assurance that the State will select national service programs for subgrants on a competitive

basis, and an assurance that the aforementioned information will be provided for each subgrant awarded prior to the execution of such subgrants.

(TRANSFER OF FUNDS)

SEC. 409. For fiscal year 2009 and thereafter, in addition to amounts otherwise provided to the National Service Trust, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under subtitle C of title I of the 1990 Act during such fiscal year may be transferred to the National Service Trust after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate, if such funds are initially obligated before the expiration of their period of availability.

SEC. 410. Of the amounts provided in this Act which the Corporation for National and Community Service (''the Corporation'') allocates for the provision of assistance under subsections 129(a) and (b) of the National and Community Service Act of 1990 (''1990 Act''), the Corporation shall apply the formula in section 129(a)(1) of the 1990 Act in such a manner so as to ensure that each State shall receive a minimum of $500,000: *Provided,* That, in no event shall the total amount allotted under section 129(a)(1) exceed 33⅓ percent of the funds allocated by the Corporation for the provision of assistance under subsections 129(a) and (b) of the 1990 Act.

SEC. 411. Notwithstanding section 139(b) of the National and Community Service Act of 1990 (''1990 Act''), an individual in an approved national service position performing full-time or part-time national service directly related to disaster relief efforts may continue in that term of service for a period of 6 months beyond the periods otherwise specified in sections 139(b) and 153(e) of the 1990 Act or section 104 of the Domestic Volunteer Service Act of 1973. Service in an extended term as provided under this section shall constitute a single term of service for purposes of sections 146(b) and (c) of the 1990 Act.

SEC. 412. Donations made to the Corporation for National and Community Service (''the Corporation'') under section 196 of the National and Community Service Act of 1990 (''1990 Act'') for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitles B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2011, $430,000,000: *Provided*, That no funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, $34,591,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, $26,642,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation by this Act, division G of the Consolidated Appropriations Act, 2008, or the Continuing Appropriations Resolution, 2007, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $45,476,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,653,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $274,840,000, of which $10,737,000 shall be used for the projects, and in the amounts, specified under the heading ''Office of Museum and Library Services: Grants and Administration'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,403,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,206,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $262,595,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,186,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $72,000,000, which shall include amounts becoming available in fiscal year 2009 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2010, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $105,463,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General (''Office'') for audit, investigatory and review activities, as authorized

by the Inspector General Act of 1978, not more than $7,806,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office, except as permitted pursuant to the last proviso under this heading in division G of the Consolidated Appropriations Act, 2008.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,406,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $30,471,537,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2010, $15,400,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $10,067,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2009 not needed for fiscal year 2009 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $264,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $240,000,000, for additional continuing disability reviews and redeterminations of eligibility: *Provided*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $145,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2009 exceed $145,000,000, the amounts shall be available in fiscal year 2010 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,000,000, together with not to exceed $70,127,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and expenses''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination

on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2009 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2009 budget request.

SEC. 519. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 520. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2009, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 522. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 523. (a) Section 14002(a)(2)(A)(i) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended, in the matter preceding subclause (I), by inserting ''education'' after ''secondary''.

(b) Section 14002(b)(1) of such division is amended by striking ''14001'' and inserting ''14001(d)''.

(c) Section 14003(a) of such division is amended by striking ''the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.)'' and inserting ''the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)''.

(d) Section 14005(a) of such division is amended by striking ''14001'' and inserting ''14001(d)''.

(e) Section 14005(d)(4)(C) of such division is amended by striking ''6401(e)(1)(9)(A)(ii)'' and inserting ''6401(e)(1)(A)(ii)''.

(f) Section 14005(d)(5) of such division is amended—

(1) by striking ''1116(a)(7)(C)(iv)'' and inserting ''1116(b)(7)(C)(iv)''; and

(2) by striking ''1116(a)(8)(B)'' and inserting ''1116(b)(8)(B)''.

(g) Section 14011 of such division is amended by inserting before the period at the end the following: '', unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)''.

(h) Section 14012(c) of such division is amended to read as follows:

''(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year.''.

TITLE VI

AFGHAN ALLIES PROTECTION ACT OF 2009

SEC. 601. SHORT TITLE.

This Act may be cited as the ''Afghan Allies Protection Act of 2009''.

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa;

(C) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(D) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this subparagraph if the alien—

(i) is a citizen or national of Afghanistan;

(ii) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(iii) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to subparagraph (D), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(iv) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(B) SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) is the spouse or child of a principal alien described in subparagraph (A); and

(ii) is accompanying or following to join the principal alien in the United States.

(C) SURVIVING SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) was the spouse or child of a principal alien described in subparagraph (A) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) which included the alien as an accompanying spouse or child; and

(ii) due to the death of the principal alien—

(I) such petition was revoked or terminated (or otherwise rendered null); and

(II) such petition would have been approved if the principal alien had survived.

(D) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under subparagraph (A)(iii) shall be accompanied by approval from the appropriate Chief of Mission, or the designee of the appropriate Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1,500 per year for each of the fiscal years 2009, 2010, 2011, 2012, and 2013.

(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(C) CARRY FORWARD.—

(i) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(I) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(II) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(ii) FISCAL YEAR 2014.—If the numerical limitation determined under clause (i) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this subsection for fiscal year 2014 shall be equal to the difference between—

(I) the numerical limitation determined under clause (i) for fiscal year 2013; and

(II) the number of principal aliens provided such status under this section during fiscal year 2013.

(4) PROHIBITION ON FEES.—The Secretary of Homeland Security or the Secretary of State may not charge an alien described in subparagraph (A), (B), or (C) of paragraph (2) any fee in connection with an application for, or issuance of, a special immigrant visa under this section.

(5) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is issued a special immigrant visa pursuant to this subsection is provided with the appropriate series Afghan passport necessary to enter the United States.

(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking special immigrant status under this subsection protection or to immediately remove such alien from Afghanistan, if possible, if the Secretary determines, after consultation, that such alien is in imminent danger.

(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this subsection solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(8) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection or in section 1244(b) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 397) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i)(I) this subsection; or

(II) such section 1244(b); and

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(10) REPORT ON IMPLEMENTATION AND AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—

(A) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the implementation of this subsection.

(B) CONTENT OF REPORT.—The report required by subparagraph (A) shall describe actions taken, and additional administrative measures that may be needed, to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(C) AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—The Secretary of Homeland Security and the Secretary of State shall implement any additional administrative measures described in subparagraph (B) as they may deem necessary and appropriate to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(11) ANNUAL REPORT ON USE OF SPECIAL IMMIGRANT STATUS.—

(A) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of Afghanistan or Iraq who have applied for status as special immigrants under this subsection or section 1244 of the Refugee Crisis

in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 396).

(B) CONTENT.—Each report required by subparagraph (A) submitted in a fiscal year shall include the following information for the previous fiscal year:

(i) The number of citizens or nationals of Afghanistan or Iraq who submitted an application for status as a special immigrant pursuant to this section or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 396), disaggregated—

(I) by the number of principal aliens applying for such status; and

(II) by the number of spouses and children of principal aliens applying for such status.

(ii) The number of applications referred to in clause (i) that—

(I) were approved; or

(II) were denied, including a description of the basis for each denial.

(c) INFORMATION REGARDING CITIZENS OR NATIONALS OF AFGHANISTAN EMPLOYED BY THE UNITED STATES OR FEDERAL CONTRACTORS IN AFGHANISTAN.—

(1) REQUIREMENT TO COMPILE INFORMATION.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury shall—

(i) review internal records and databases of their respective agencies for information that can be used to verify employment of citizens or nationals of Afghanistan by the United States Government; and

(ii) request from each prime contractor or grantee that has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000, information that may be used to verify the employment of such citizens or nationals by such contractor or grantee.

(B) INFORMATION REQUIRED.—To the extent data is available, the information referred to in subparagraph (A) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each citizen or national of Afghanistan who has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with an executive agency.

(2) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Afghanistan since October 7, 2001, including the information described and collected under paragraph (1), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(3) REPORT ON NONCOMPLIANCE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes—

(A) the inability or unwillingness of any contractor or grantee to provide the information requested under paragraph (1)(A)(ii); and

(B) the reasons that such contractor or grantee provided for failing to provide such information.

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009''.

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $171,699,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,413,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $720,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $100,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,998,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,096,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,200,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,655,000 for each such committee; in all, $3,310,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $814,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,690,000 for each such committee; in all, $3,380,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $397,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $24,020,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $66,800,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,758,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $44,693,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,743,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,484,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $137,400,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2013.

MISCELLANEOUS ITEMS

For miscellaneous items, $21,043,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $400,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2008, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2008, increased by an additional $50,000 each.

SEC. 2. CONSULTANTS. (a) IN GENERAL.—

(1) The first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended by striking ''eight individual consultants'' and inserting ''nine individual consultants''.

(2) The second sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended by striking ''two individual consultants'' and inserting ''three individual consultants''.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2009 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,301,267,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,113,000, including: Office of the Speaker, $4,879,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,436,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,390,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,115,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,630,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $501,000; Republican Steering Committee, $950,000; Republican Conference, $1,777,000; Republican Policy Committee, $337,000; Democratic Steering and Policy Committee, $1,315,000; Democratic Caucus, $1,749,000; nine minority employees, $1,502,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $476,000; and Cloakroom Personnel—minority, $476,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $609,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $154,000,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $9,500,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $187,954,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $27,457,000, of which $500,000 shall remain available until December 31, 2010 and $2,060,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $8,355,000; for salaries and expenses of the Office of the Chief Administrative Officer, including not more than $3,000 for official representation and reception expenses, $125,838,000, of which $7,057,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,945,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $3,974,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,357,000; for the Office of the Chaplain, $173,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,007,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,057,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,337,000; for salaries and expenses of the Office of Interparliamentary Affairs, $777,000; for other authorized employees, $1,158,000; and for salaries and expenses of the Office of the Historian, including the costs of the House Fellows Program (including lodging and related expenses for visiting Program participants), $519,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $293,900,000, including: supplies, materials, administrative costs and Federal tort claims, $11,656,000, of which $2,500,000 shall remain available until expended; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $260,703,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $1,900,000, to remain available until expended; Business Continuity and Disaster Recovery, $18,698,000, of which $6,260,000 shall remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $742,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2009. Any amount remaining after all payments are made under such allowances for fiscal year 2009 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) The Chief Administrative Officer of the House of Representatives shall deposit all amounts received as promotional rebates and incentives on credit card purchases, balances, and payments into the House Services Revolving Fund under section 105 of the Legislative Branch Appropriations Act, 2005.

(b) Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 117m(a)) is amended by adding at the end the following new paragraph:

''(6) The collection of promotional rebates and incentives on credit card purchases, balances, and payments.''.

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 103. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by adding at the end the following new subsection:

''(d) Amounts appropriated for any fiscal year for the House of Representatives under the heading 'Allowances and Expenses' may be transferred to the Architect of the Capitol and made available under the heading 'House Office Buildings', subject to the approval of the Committee on Appropriations of the House of Representatives.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 104. (a) Effective with respect to fiscal year 2008 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Floor Leader is increased by $200,000.

(2) The allowance for the office of the Minority Floor Leader is increased by $200,000.

(b) Effective with respect to fiscal year 2009 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $72,000.

(2) The allowance for the office of the Minority Whip is increased by $72,000.

SEC. 105. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by striking ''transferred among'' each place it appears in subsections (a), (b), and (c)(1) and inserting ''transferred among and merged with''.

(b) Section 101(c)(2) of such Act (2 U.S.C. 95b(c)) is amended to read as follows:

''(2) The headings referred to in paragraph (1) are 'House Leadership Offices', 'Members'

Representational Allowances', 'Committee Employees', 'Salaries, Officers and Employees', and 'Allowances and Expenses'.''.

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 106. PERMITTING HOUSE CHILD CARE CENTER TO OFFER SERVICES FOR SCHOOL-AGE CHILDREN.—Section 312(a)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(a)(1)) is amended by striking ''pre-school child care'' and inserting the following: ''pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day''.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,626,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,719,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to one Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,223,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,105,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $800,000, to be disbursed by the Secretary of the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

SALARIES AND EXPENSES

For salaries and expenses of the Capitol Guide Service, $9,940,000, to be disbursed by the Secretary of the Senate and Special Services Office.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 110th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $248,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $57,750,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2009 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2009 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,072,000, of which $800,000 shall remain available until September 30, 2010: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $44,082,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $90,659,000, of which $1,505,000 shall remain available until September 30, 2013.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $35,840,000, of which $10,681,000 shall remain available until September 30, 2013.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,649,000, of which $340,000 shall remain available until September 30, 2013.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $69,359,000, of which $9,743,000 shall remain available until September 30, 2013.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,814,000, of which $19,603,000 shall remain available until September 30, 2013.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $149,042,000, of which $63,570,000 shall remain available until September 30, 2013: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2009.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $39,094,000, of which $13,640,000 shall remain available until September 30, 2013.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $18,996,000, of which $3,497,000 shall remain available until September 30, 2013.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $10,906,000, of which $2,055,000 shall remain

available until September 30, 2013: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $31,124,000, to remain available until expended, and in addition, $9,103,000 for Capitol Visitor Center operations costs: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) COLLECTION AND SALE OF RECYCLABLE MATERIALS.—

(1) ESTABLISHMENT OF PROGRAM.—The Architect of the Capitol shall establish a program for the collection and sale of recyclable materials collected from or on the Capitol buildings and grounds, in accordance with the procedures applicable under subchapter III of chapter 5 of subtitle I of title 40, United States Code to the sale of surplus property by an executive agency.

(2) EXCLUSION OF MATERIALS SUBJECT TO OTHER PROGRAMS.—The program established under this section shall not apply with respect to any materials which are subject to collection and sale under—

(A) the third undesignated paragraph under the center heading ''MISCELLANEOUS'' in the first section of the Act entitled ''An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes'', approved August 7, 1882 (2 U.S.C. 117);

(B) section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e);

(C) the Senate waste recycling program referred to in section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f); or

(D) any other authorized program for the collection and sale of recyclable materials.

(b) REVOLVING FUND.—

(1) IN GENERAL.—There is established in the Treasury a revolving fund for the Office of the Architect of the Capitol, which shall consist of—

(A) proceeds from the sale of recyclable materials under the program established under this section; and

(B) such amounts as may be appropriated under law.

(2) USE OF FUND.—Amounts in the revolving fund established under paragraph (1) shall be available without fiscal year limitation to the Architect of the Capitol, subject to the Architect providing prior notice to the Committees on Appropriations of the House of Representatives and Senate—

(A) to carry out the program established under this section;

(B) to carry out authorized programs and activities of the Architect to improve the environment; and

(C) to carry out authorized programs and activities of the Architect to promote energy savings.

(c) EFFECTIVE DATE.—This section shall apply with respect to each of the fiscal years 2009 through 2013.

SEC. 1102. (a) PERMITTING LEASING OF SPACE.—Subject to the availability of funds, the Architect of the Capitol may acquire real property by lease for the use of the Library of Congress in any State or the District of Columbia if—

(1) the Architect of the Capitol and the Librarian of Congress submit a joint request for the Architect to lease the property to the Joint Committee on the Library and to the Committees on Appropriations of the House of Representatives and Senate; and

(2) the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate each approve the request.

(b) TRANSFER OF FUNDS.—Subject to the approval of the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol and the Librarian of Congress may transfer between themselves appropriations or other available funds to pay the costs incurred in acquiring real property pursuant to the authority of this section and the costs of necessary expenses incurred in connection with the acquisition of the property.

(c) LIMIT ON OBLIGATIONS.—No obligation entered into pursuant to the authority of this section shall be in advance of, or in excess of, available appropriations.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $419,030,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2009, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2009 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $17,959,000 shall remain available until September 30, 2011 for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,170,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $1,495,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $560,000 shall be transferred to the Federal Library and Information Center's FEDLINK Program: *Provided further*, That of the total amount appropriated, $190,000 shall be used to provide a grant to the New York Historical Society for the digitization of its collection: *Provided further*, That of the total amount appropriated, $95,000 shall be used to provide a grant to the University of Florida for development of a library of original case studies.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $51,592,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2009 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $4,564,000 shall be derived from collections during fiscal year 2009 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,315,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $107,323,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $68,816,000, of which $30,155,000 shall remain available until expended: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2009, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $134,212,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2009, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. TRANSFER AUTHORITY. (a) IN GENERAL.—Amounts appropriated for fiscal year 2009 for the Library of Congress may be transferred during fiscal year 2009 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

SEC. 1204. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. Section 5(d) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended by striking ''that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress'' and inserting ''that member may continue to serve on the Commission for the life of the Commission''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $96,828,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $38,744,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2007 and 2008 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $4,995,000 for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $531,000,000: *Provided*, That not more than $5,375,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2009: *Provided further*, That not more than $2,260,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2009: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1301. REPEAL AND MODIFICATION OF CERTAIN REPORTING REQUIREMENTS. (a) SPECTRUM RELOCATION FUND TRANSFERS.—Section 118(e)(1)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)(B)) is amended—

(1) in clause (ii) by adding ''and'' after the semicolon;

(2) in clause (iii) by striking ''; and'' and inserting a period; and

(3) by striking clause (iv).

(b) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(d)) is amended by striking subsection (d) and inserting the following:

''(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United

States shall regularly review the implementation of this section.''.

(c) GAO STUDY AND REPORT ON IMPACT OF SAFE HARBOR ON MEDIGAP POLICIES.—Section 5201(b)(2) of title V of division J of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 42 U.S.C. 1320a–7a note) is repealed.

(d) GAO REPORT ON DATE RAPE DRUG CAMPAIGN.—Section 7(b)(3) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 (Public Law 106–172; 21 U.S.C. 801 note) is repealed.

(e) INSPECTOR GENERAL AUDIT AND GAO REPORT ON ENROLLEES ELIGIBLE FOR MEDICAID.—Section 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d)) is amended—

(1) in the heading by striking ''AND GAO REPORT''; and

(2) by striking paragraph (3).

(f) GAO REPORT ON MA REGIONAL PLAN STABILIZATION FUND.—Section 1858(e)(7) of the Social Security Act (42 U.S.C. 1395w–27a(e)(7)) is repealed.

(g) BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.—Section 214 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250; 42 U.S.C. 289g–3 note) is repealed.

(h) DISPOSITION OF RIGHTS.—Section 202(b) of title 35, United States Code is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $13,900,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2009 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets in the irregular shaped grassy areas bounded by Washington Avenue SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. GUIDED TOURS OF THE CAPITOL. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. LIMITATION ON CERTAIN INSPECTORS GENERAL AUTHORITY TO USE FIREARMS. None of the funds made available in this Act may be used by the Inspector General of the Architect of the Capitol or the Inspector General of the Library of Congress to purchase, maintain, or carry any firearm.

This division may be cited as the ''Legislative Branch Appropriations Act, 2009''.

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $5,360,318,000, of which $1,117,000,000 is for Worldwide Security Protection (to remain available until expended), to be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,118,598,000 to remain available until September 30, 2010, of which not less than $130,637,000 shall be available only for public diplomacy American salaries.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,548,617,000, to remain available until September 30, 2010, of which not less than $264,169,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $585,078,000, to remain available until September 30, 2010.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,108,025,000, to remain available until September 30, 2010.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,605,150 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER AND REPROGRAMMING.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $45,000,000, to remain available until expended: *Provided*, That up to $23,014,000 may be made available in fiscal year 2009 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, only to support an actively deployed civilian response corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a coordinated joint spending plan for funds made available under this heading and under the heading ''Civilian Stabilization Initiative'' in title II of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $71,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $37,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $538,000,000, to remain available until expended: *Provided*, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $22,814,000, to remain available until September 30, 2010.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $801,344,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $770,000,000, to remain available until expended: *Provided*, That funds made available by this paragraph may not be obligated until a plan is submitted to the Committees on Appropriations with the proposed allocation of funds made available by this Act and by proceeds of sales for all projects in fiscal year 2009: *Provided further*, That the Under Secretary for Management, United States Department of State, shall consult with the Committees on Appropriations on a regular and ongoing basis on the design of any proposed self-financed New Embassy Compound.

In addition, for necessary expenses for overseas facility construction and related costs for the United States Agency for International Development, pursuant to section 667 of the Foreign Assistance Act of 1961, $135,225,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), $5,000,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $675,000, which may be transferred to, and merged with, funds made available under the heading ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,840,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $157,100,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,529,400,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,517,000,000, of which 15 percent shall remain available until September 30, 2010: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including

not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $32,256,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, $11,649,000, of which $7,559,000 is for the International Joint Commission and $1,970,000 is for the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and $2,120,000 is for the Border Environment Cooperation Commission as authorized by Public Law 103–182: *Provided,* That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses 45 days after submission to the Committees on Appropriations of a report detailing obligations, expenditures, and associated activities for fiscal years 2006, 2007, and 2008, including any unobligated funds which expired at the end of each fiscal year and the justification for why such funds were not obligated.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $29,925,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $698,187,000: *Provided,* That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $11,296,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $16,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $31,000,000, to remain available until September 30, 2010.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2009, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2009, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2009, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $21,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $115,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner among the core institutes and $15,000,000 shall be for democracy, human rights, and rule of law programs, of which $250,000 shall be for programs and activities in Tibet: *Provided*, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis: *Provided further,* That funds made available by this Act for the promotion of democracy may be made available for the National Endowment for Democracy notwithstanding any other provision of law or regulation.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $599,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,000,000, to remain available until September 30, 2010.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,610,000, to remain available until September 30, 2010.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2010.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2010: *Provided,* That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further,* That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: *Provided further,* That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: *Provided further,* That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: *Provided further,* That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further,* That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448),

$150,000, to remain available until September 30, 2010.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $808,584,000, of which up to $85,000,000 may remain available until September 30, 2010: *Provided,* That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this Act may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further,* That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further,* That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2010: *Provided further,* That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $30,000,000, to remain available until expended: *Provided,* That not later than 60 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading ''Civilian Stabilization Initiative'' in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $35,775,000, to remain available until expended: *Provided,* That this amount is in addition to funds otherwise available for such purposes: *Provided further,* That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $42,000,000, to remain available until September 30, 2010, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2009, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $1,955,000,000, to remain available until September 30, 2010, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, not to exceed $400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That of the funds appropriated under this paragraph, $75,000,000 should be made available for a United States contribution to The GAVI Fund, and up to $5,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Operating Expenses'' in title II for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other

Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,159,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $600,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2009 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,800,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $44,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than $245,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than $22,500,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further,* That of the funds appropriated under this heading, $10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than $300,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $125,000,000 should be made available for such projects in Africa: *Provided further,* That of the funds appropriated by title III of this Act, not less than $375,000,000 shall be made available for agricultural development programs, of which not less than $29,000,000 shall be made available for Collaborative Research Support Programs: *Provided further,* That of the funds appropriated under this heading, $75,000,000 shall be made available to enhance global food security, including for local or regional purchase and distribution of food, in addition to funds otherwise made available for such purposes, and notwithstanding any other provision of law: *Provided further,* That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a strategy for achieving the goals of funding for global food security programs, specifying the intended country beneficiaries, amounts of funding, types of activities to be funded, and expected quantifiable results: *Provided further,* That of the funds appropriated under this heading for agricultural development programs, not less than $7,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $350,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided,* That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further,* That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further,* That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further,* That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided,* That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further,* That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: *Provided,* That funds made available under this heading shall remain available until September 30, 2011.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,007,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, $200,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, up to $20,000,000 shall be made available for democracy, human rights and governance programs, and not less than $35,000,000 shall be made available for education programs, of which not less than $10,000,000 is for scholarships for Egyptian students with high financial need: *Provided further*, That $11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than $263,547,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than $75,000,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: *Provided further*, That $67,500,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 shall be made

available for educational scholarships for students in Lebanon with high financial need: *Provided further*, That $200,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance only after the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States-funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That the President may waive the previous proviso if the President determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $200,000,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for Colombia, not less than $3,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $116,000,000, to remain available until September 30, 2011, of which not less than $74,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $37,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

(b) Of the funds appropriated under this heading that are made available to the Bureau of Democracy, Human Rights and Labor, not less than $17,000,000 shall be made available for the promotion of democracy in the People's Republic of China, Hong Kong, and Taiwan, and not less than $6,500,000 shall be made available for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to respond to, deter, or prevent extremism: *Provided*, That assistance for Taiwan should be matched from sources other than the United States Government.

(c) Of the funds appropriated under this heading that are made available to the Bureau for Democracy, Conflict, and Humanitarian Assistance, not less than $19,500,000 shall be made available for the Elections and Political Process Fund, $7,500,000 shall be made available for international labor programs, and not less than $10,000,000 shall be made available to provide institutional and core support for organizations that promote human rights, independent media and the rule of law.

(d) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law. Funds appropriated under this heading are in addition to funds otherwise made available for such purposes.

(e) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(f) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $1,000,000 of funds under this heading, and in excess of $2,500,000 under other headings in this Act, for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $15,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2010.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $650,000,000, to remain available until September 30, 2010, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings ''Independent States of the Former Soviet Union'' and similar headings and ''Assistance for Eastern Europe and the Baltic States'' and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabagh.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $875,000,000, to remain available until September 30, 2010: *Provided*, That during fiscal year 2009, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics or counterterrorism purposes: *Provided further*, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further*, That of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That of the funds appropriated under this heading for administrative expenses, ten percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing all salaries funded under this heading in fiscal years 2007 and 2008, and such salaries proposed in fiscal year 2009.

ANDEAN COUNTERDRUG PROGRAMS

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $315,000,000, to remain available until September 30, 2010: *Provided*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting internationally recognized human rights and cooperating fully with investigations and prosecutions by civilian judicial authorities of military and police personnel who have been credibly alleged to have violated such rights: *Provided further*, That of the funds appropriated under this heading, not more than $16,730,000 may be available for administrative expenses of the Department of State,

and not more than $8,000,000 of the funds made available for alternative development/institution building programs under the heading ''Economic Support Fund'' in this Act may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of USAID.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $525,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for antiterrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $41,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for IAEA only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than $750,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2010.

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $931,000,000, to remain available until expended, of which not less than $30,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $40,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $340,000,000 to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $4,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 shall be made available for entertainment expenses: *Provided further*, That any decision to open a new domestic office or to close, or significantly reduce the number of personnel of, any office, shall be subject to the regular notification procedures of the Committees on Appropriations.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $875,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2009: *Provided further*, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), including administrative costs for compact development, negotiation, and implementation: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, not to exceed $3,000 shall be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $32,500,000, to remain available until September 30, 2010: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,000,000, to remain available until September 30, 2011, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $60,000,000, to remain available until September 30, 2011: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;
(2) the African Development Fund;
(3) the African Development Bank; and
(4) the Central American Bank for Economic Integration:
Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:
Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $250,200,000: *Provided*, That of the funds made available under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $91,000,000, of which up to $4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya, and Angola may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 shall be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,635,000,000: *Provided*, That of the funds appropriated under this heading, not less than $2,380,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $235,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than $53,000,000 shall be available for Colombia, of which $12,500,000 is available to support maritime interdiction: *Provided further*, That funds appropriated under this heading for assistance for Pakistan may be made available only for border security, counter-terrorism and law enforcement activities directed against Al Qaeda, the Taliban and associated terrorist groups: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State has previously justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $51,420,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: *Provided further*, That not more than $470,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2009 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2009 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $352,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $80,000,000, to the International Bank for Reconstruction and Development as trustee for the Global

Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,115,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $150,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $2,500,000, to remain available until September 30, 2010.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2009: *Provided further*, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or energy efficient end-use technologies.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $41,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2009, 2010, 2011, and 2012: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $81,500,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2009.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That of amounts collected in fiscal year 2009 in excess of obligations, up to $75,000,000, shall become available on September 1, 2009 and shall remain available until September 30, 2012.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $50,600,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2009, 2010, and 2011: *Provided further*, That funds so obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018; and funds obligated in fiscal year 2011 remain available for disbursement through 2019: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,800,000, to remain available until September 30, 2010.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism

Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONSULAR AFFAIRS REFORM

SEC. 7006. Not later than 60 days after the enactment of this Act the Secretary of State shall certify and report to the Committees on Appropriations that the Department of State is implementing recommendations contained in the Office of Inspector General audit ''Review of Controls and Notification for Access to Passport Records in the Department of State's Passport Information Electronic Records System (PIERS)'' (AUD/IP–08–29), July 2008.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2009, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the regular notification procedures of the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2009, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2009 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2010 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings ''Global Health and Child Survival'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Programs'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations, and the agency receiving the transfer or allocation shall perform periodic program financial audits of the use of such funds and such funds may be made available for the cost of such audits.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Mexico, or Cambodia and countries listed in section 7045(f)(4) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or

if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2010.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act):

''Educational and Cultural Exchange Programs''.

''International Fisheries Commissions''.

''International Broadcasting Operations''.

''Global Health and Child Survival''.

''Development Assistance''.

''Economic Support Fund''.

''Assistance for Europe, Eurasia and Central Asia''.

''Andean Counterdrug Programs''.

''Nonproliferation, Anti-terrorism, Demining and Related Programs''.

''Foreign Military Financing Program''.

''International Organizations and Programs''.

(b) For the purposes of implementing this section and only with respect to the tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the Secretary of State, Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

(c) The requirements contained in subsection (a) shall apply to the table under the headings ''Bilateral Economic Assistance'' and ''General Provisions'' in such explanatory statement.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance under any heading in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961

shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2009, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, or other program of the International Monetary Fund that would not exempt increased government spending on health care or education from national budget caps or restraints, hiring or wage bill ceilings or other limits imposed by the International Monetary Fund in Heavily Indebted Poor Countries.

(d) For purposes of this section ''international financial institutions'' are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108–447; 118 Stat. 3038) is amended by striking ''2009'' and inserting ''2010''.

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(f) INTERNATIONAL PRISON CONDITIONS.—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East

European Democracy (SEED) Act of 1989, shall be made available for assistance to address inhumane conditions in prisons and other detention facilities administered by foreign governments that the Secretary of State determines are making efforts to address, among other things, prisoners' health, sanitation, nutrition and other basic needs: *Provided,* That the Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

(g) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2008'' and inserting ''2008, and 2009''; and

(B) in subsection (e), by striking ''2008'' each place it appears and inserting ''2009''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2008'' and inserting ''2009''.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) LIBRARY OF CONGRESS.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'', not less than $2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress.

(j) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided,* That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(k) NONGOVERNMENTAL ORGANIZATIONS.—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(l) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, ''Economic Support Fund'', not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508, as amended).

(m) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(n) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(o) GLOBAL FOOD SECURITY.—Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance to the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2009, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the

uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which she has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2009 under the heading ''Economic Support Fund''. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member unless the President certifies in writing and reports to the Committees on Appropriations that Hamas has accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(2) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

BROADCASTING TRANSPARENCY

SEC. 7041. (a) Of the funds appropriated in this Act under the heading ''International Broadcasting Operations'' for Middle East Broadcasting Networks, 10 percent of the funds shall not be available for obligation until the Broadcasting Board of Governors reports to the Committee on Appropriations on—

(1) The results of the independent outside evaluation of Alhurra programming to examine its journalistic integrity and adherence to standards and principles of the United States International Broadcasting Act; and

(2) Whether the directives in the explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) regarding Alhurra have been implemented and are operational.

(b) The Office of the Inspector General of the Department of State and the Broadcasting Board of Governors shall monitor adherence to the standards of the Journalistic Code of Ethics of the Middle East Broadcasting Networks, as updated in May 2007.

IRAQ

SEC. 7042. (a) ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq, except funds appropriated by this Act under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' for the removal and disposal of landmines and other unexploded ordnance, small arms and light weapons in Iraq.

(b) MATCHING REQUIREMENT.—The terms and conditions of section 1402(e)(1), (2), (3) and (4) of Public Law 110–252 shall apply to assistance for Iraq in fiscal year 2009.

(c) TRANSITION PLAN.—Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with relevant United States Government agencies, shall submit to the Committees on Appropriations a report, in classified form if necessary, that details the plans, costs and timelines associated with the transition of programs and activities funded under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs to the Government of Iraq.

(d) BASE RIGHTS.—None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

REPORT ON IRAN SANCTIONS

SEC. 7043. Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the status of multilateral and bilateral United States sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran. The report, which may be submitted in classified form if necessary, shall include the following:

(1) A list of all current United States bilateral and multilateral sanctions against Iran;

(2) A list of all United States and foreign registered entities which the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(3) A detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceeding the enactment of this Act that have resulted in a determination that a sanctions violation has occurred and United States government actions taken pursuant to the determination;

(4) In the instances when sanctions were waived or otherwise not imposed against entities that were determined to have violated United States bilateral or multilateral sanctions, the reason in each instance of why action was not taken to sanction the entity; and

(5) A description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

LEBANON

SEC. 7044. (a) Funds appropriated under the heading ''Foreign Military Financing Program'' in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the

Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701.

(b) None of the funds in subsection (a) may be made available for obligation until after the Secretary of State provides the Committees on Appropriations a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, strengthening border security and combating terrorism in Lebanon.

WESTERN HEMISPHERE

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act not less than $10,000,000 from ''Development Assistance'' and not less than $10,000,000 from ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than $251,126,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act that are available for assistance for the Dominican Republic, not less than $5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant workers and other residents of batey communities.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Funds appropriated by this Act under the heading ''International Military Education and Training'' (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided,* That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the International Commission Against Impunity in Guatemala (CICIG) by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(2) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not more than $500,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided,* That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(e) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this Act, not more than $300,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than $75,000,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available under this section in this Act, for assistance for Mexico, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities, may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is continuing to—

(A) improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

(C) ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations; and

(D) enforce the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

(3) SPENDING PLAN.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan, developed after consulting with relevant Mexican Government authorities, for funds made available for Mexico under this section, with concrete goals, programs and activities to be funded, and anticipated results.

(4) ANALYSIS OF ALTERNATIVES.—Prior to the obligation of funds for the procurement or lease of aircraft, the Director of the Defense Security Cooperation Agency, in consultation with the Secretary of State, shall submit to the Committees on Appropriations an Analysis of Alternatives for the acquisition of all aircraft for the Merida Initiative.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'', $105,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security, of which not less than $35,000,000 shall be made available for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $12,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That none of the funds shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this Act for assistance for the countries of Central America under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is continuing to—

(A) support police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) implement reforms to improve the capacity and ensure the independence of the judiciary; and

(C) investigate and prosecute members of the Federal police and military forces who have been credibly alleged to have committed violations of internationally recognized human rights.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

(3) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(4) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7046. (a) FUNDING.—Of the funds appropriated in titles III and IV of this Act, not more than $545,050,000 shall be available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may

be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading ''Andean Counterdrug Programs'': *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That rotary and fixed wing aircraft supported with funds appropriated under the heading ''Andean Counterdrug Programs'' for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States.

Of the funds available under the heading ''Andean Counterdrug Programs'' in this Act for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: *Provided further*, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(b) ASSISTANCE FOR THE ARMED FORCES.—

(1) FUNDING.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(A) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to subparagraph (B).

(B) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that—

(i) The Government of Colombia is suspending, and investigating and prosecuting in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed violations of internationally recognized human rights, including extra-judicial killings, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.

(ii) The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or successor armed groups.

(iii) The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from paramilitary organizations or successor armed groups, and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners.

(iv) The Government of Colombia is respecting the rights of Colombia's indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.

(2) The balance of such funds may be obligated after July 31, 2009, if, prior to such obligation, the Secretary of State consults with, and submits a written certification to, the Committees on Appropriations that the Government of Colombia is continuing to meet the requirements described in paragraph (1) and is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

(3) CERTAIN FUNDS EXEMPTED.—The requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading ''Andean Counterdrug Programs'' in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(4) REPORT.—At the time the Secretary of State submits certifications pursuant to paragraphs (1)(B) and (2) of this subsection, the Secretary shall also submit to the Committees on Appropriations a report that contains, with respect to each such paragraph, a detailed description of the specific actions taken by the Government and Armed Forces of Colombia which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary, including through the Department of State's annual Country Reports on Human Rights Practices, for which the actions taken by the Colombian Government or Armed Forces have been determined by the Secretary of State to be inadequate.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2009, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the requirements contained in subsection (b)(1).

(d) ASSISTANCE FOR REINTEGRATION OF FORMER COMBATANTS.—

(1) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act under the heading ''Economic Support Fund'', up to $16,769,000 may be made available in fiscal year 2009 for assistance for the reintegration of former members of foreign terrorist organizations (FTOs) or other illegal armed groups in Colombia, if the Secretary of State consults with and makes a certification described in paragraph (2) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(2) CERTIFICATION.—A certification described in this subsection is a certification that—

(A) assistance for the fiscal year will be provided only for individuals who have: (i) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (ii) are meeting all the requirements of the Colombia demobilization program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (iii) are not involved in criminal activity;

(B) the Government of Colombia is providing full cooperation to the Government of the United States to prosecute the extradited leaders and members of FTOs who have been indicted in the United States for murder, torture, kidnapping, narcotics trafficking, or other violations of United States law;

(C) the Government of Colombia is not knowingly taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is seizing and returning such land and other assets to their rightful occupants or owners;

(D) the Government of Colombia is dismantling the organizational structures of FTOs and successor armed groups; and

(E) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(e) ILLEGAL ARMED GROUPS.—

(1) DENIAL OF VISAS.—Subject to paragraph (2), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(A) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(B) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of internationally recognized human rights, including extra-judicial killings, in Colombia.

(2) WAIVER.—Paragraph (1) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(f) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

(3) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That funds made available for tribunals other than the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended by deleting subsection (v) and inserting in lieu thereof:

''(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, and 2009, 27.1 percent.''.

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. (a) None of the funds appropriated by this Act may be made available for a United States contribution to the United Nations Human Rights Council.

(b) The prohibition under subsection (a) shall not apply if—

(1) the Secretary of State certifies to the Committees on Appropriations that the provision of funds to support the United Nations Human Rights Council is in the national interest of the United States; or

(2) the United States is a member of the Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided,* That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2008.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in

foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

MILLENNIUM CHALLENGE CORPORATION

SEC. 7057. (a) The Chief Executive Officer of the Millennium Challenge Corporation shall, not later than 45 days after enactment of this Act, submit to the Committee on Appropriations a report on the proposed uses, on a country-by-country basis, of all funds appropriated under the heading ''Millennium Challenge Corporation'' in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs projected to be obligated and expended in fiscal year 2009 and subsequent fiscal years.

(b) The report required in paragraph (a) shall be updated on a semi-annual basis and shall include, at a minimum, a description of—

(1) compacts in development, including the status of negotiations and the approximate range of value of the proposed compact;

(2) compacts in implementation, including the projected expenditure and disbursement of compact funds during fiscal year 2009 and subsequent fiscal years as determined by the country compact;

(3) threshold country programs in development, including the approximate range of value of the threshold country agreement;

(4) major programmatic changes to existing compacts funded by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs;

(5) threshold country programs in implementation; and

(6) use of administrative funds.

(c) The Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7059. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2010.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided*, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia''.

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading ''Global Health and Child Survival'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) RECRUITMENT STRATEGY.—Not later than December 31, 2009, the USAID Administrator, after consulting with the Secretaries of Defense, Treasury, Agriculture, Interior, Energy, and Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal departments and agencies, shall submit to the Committees on Appropriations a recruitment strategy for current and former employees from such departments and agencies who possess skills and/or overseas experience which would enhance USAID's capacity to carry out its mission: *Provided*, That funds made available under the heading ''Operating Expenses'' in title II of this Act may be made available to implement the strategy described in the previous proviso, subject to the regular notification procedures of the Committees on Appropriations.

(m) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2010.

GLOBAL HEALTH ACTIVITIES

SEC. 7060. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health and Child Survival'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $545,000,000 should be made available for family planning/reproductive health.

(b) Notwithstanding any other provision of this Act, 10 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund'')

shall be withheld from obligation to the Global Fund until the Secretary of State reports to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators; and

(2) is implementing a reporting system that breaks down grantee budget allocations by programmatic activity.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act should include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act should be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'' in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $700,000,000 should be made available for assistance for basic education, of which not less than $400,000,000 shall be made available under the heading ''Development Assistance''.

(2) There shall continue to be a Coordinator of United States government actions to provide basic education assistance in developing countries as established in section 664 of division J of Public Law 110–161.

(3) Funds appropriated for basic education in this Act shall be made available for a pilot program in three countries to develop and evaluate the effectiveness and implementation of a 5-year basic education strategic plan.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $133,000,000 shall be made available for assistance for higher education.

RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'' in this Act, $25,000,000 shall be made available for reconciliation programs which bring together and facilitate interaction between individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, of which $9,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2007 and 2008, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7070. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D'Ivoire, and Guinea may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea.

(b)(1) SUDAN LIMITATION ON ASSISTANCE.—Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (b)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias.

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements.

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) EXCEPTIONS.—The provisions of subsection (b)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) DEFINITIONS.—For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

(5) Notwithstanding any other law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CRF 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(c) HORN OF AFRICA AND PAN SAHEL PROGRAM.—Funds appropriated under the heading ''Economic Support Fund'' in this Act that are made available for programs and activities to counter extremism in the Horn of Africa and the Pan Sahel region of Africa, shall be administered by the United States Agency for International Development, and are in addition to funds otherwise made available for such purposes.

(d) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*,

That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(e) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transition government has been established that reflects the will of the people as they voted in the March 2008 elections.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe unless the Secretary of State makes the determination pursuant to subsection (e)(1).

ASIA

SEC. 7071. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,300,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: *Provided*, That such funds may be made available notwithstanding any other provision of law: *Provided further*, That in addition to assistance for Burmese refugees provided under the heading ''Migration and Refugee Assistance'' in this Act, not less than $4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: *Provided further*, That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $15,700,000 shall be made available for assistance for Indonesia, of which $2,000,000 shall be made available only after the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) under such heading.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $300,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(d) CAMBODIA.—Funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Cambodia may be used for an endowment, and shall be made available to strengthen the capacity of the Government of Cambodia to combat human trafficking, notwithstanding any other provision of law.

(e) NORTH KOREA.—

(1) Funds made available under the heading ''Migration and Refugee Assistance'' in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading ''International Broadcasting Operations'' in title I of this Act, not less than $8,000,000 shall be made available for broadcasts into North Korea.

(3) None of the funds made available under the heading ''Economic Support Fund'' in fiscal year 2009 may be made available for obligation for energy-related assistance for North Korea unless the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six Party Talks agreements.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated under the heading ''Development Assistance'' in this Act, not less than $11,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance and the rule of law.

(2) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(3) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing, to the extent practicable, the amount of assistance provided by the People's Republic of China to governments and entities in Latin America and Africa during the previous calendar year, and shall make such report publicly available in a timely manner on the website of the Department of State and the United States Agency for International Development in English and Mandarin.

(4) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act, $1,000,000 shall be made available to the Bureau of International Information Programs to disseminate information, in Mandarin, in the People's Republic of China: *Provided*, That such information shall include issues of governance, transparency, corruption, rule of law, and the environment, and the findings of the report required by paragraph (3) of this subsection, and shall be disseminated through the Internet, text messaging or other means, and directed to economically depressed areas of the People's Republic of China: *Provided further*, That such funds are in addition to funds otherwise made available for such purposes: *Provided further*, That the Department of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available by this subsection.

(5) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $30,000,000 may be made available for assistance for the Philippines, of which $2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that—

(1) the Government of the Philippines is taking effective steps to implement the recommendations of the United Nations Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, to include prosecutions and convictions for extrajudicial executions; sustaining the decline in the number of extra-judicial executions; addressing allegations of a death squad in Davao City; and strengthening government institutions working to eliminate extra-judicial executions;

(2) the Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have violated such rights; and

(3) the Philippine Armed Forces do not have a policy of, and are not engaging in, acts of intimidation or violence against members of legal organizations who advocate for human rights.

(h) VIETNAM.—Notwithstanding any other provision of law, funds appropriated under the heading ''Development Assistance'' in this Act may be made available for programs and activities in the central highlands of Vietnam, and shall be made available for environmental remediation and related health activities in Vietnam.

SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2009, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2009, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation: (1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and (2) is (A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process; (B) investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and (C) immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

CENTRAL ASIA

SEC. 7075. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights and civil liberties during the preceding 6 month period, including by fulfilling obligations recommended by the Organization for Security and Cooperation in Europe (OSCE) in the areas of election procedures, media freedom, freedom of religion, free assembly and minority rights, and by meeting the commitments it made in connection with its assumption of the Chairmanship of the OSCE in 2010.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2009, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

UZBEKISTAN

SEC. 7076. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America'', including respect for internationally recognized human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May 2005.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of internationally recognized human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

(e) For the purpose of this section ''assistance'' shall include excess defense articles.

AFGHANISTAN

SEC. 7077. Of the funds appropriated under titles III and IV of this Act, not less than $1,041,950,000 should be made available for assistance for Afghanistan, of which not less than $100,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nonprofit organizations in Afghanistan.

ENTERPRISE FUNDS

SEC. 7078. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds

shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7079. (a) CONTRIBUTION.—Of the funds made available under the headings ''International Organizations and Programs'' and ''Global Health and Child Survival'' in this Act for fiscal year 2009, $50,000,000 shall be made available for the United Nations Population Fund (UNFPA), of which not more than $30,000,000 shall be derived from funds appropriated under the heading ''International Organizations and Programs''.

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available because of the operation of any provision of law, shall be made available to UNFPA notwithstanding any such provision of law, subject to the regular notification procedures of the Committees on Appropriations, only for the following purposes and subject to the provisions of this section—

(1) provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) make available supplies of contraceptives for the prevention of unintended pregnancies and the spread of sexually transmitted infections, including HIV/AIDS;

(3) prevent and treat cases of obstetric fistula;

(4) reestablish maternal health services in areas where medical infrastructure and such services have been destroyed or limited by natural disasters, armed conflict, or other factors;

(5) promote abandonment of female genital mutilation and cutting and child marriage; and

(6) promote access to basic services, including clean water, sanitation facilities, food, and health care, for poor women and girls.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may be made available if—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND WITHOLDING OF FUNDS.—

(1) Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If the report under this subparagraph indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7080. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

OPIC

(INCLUDING TRANSFER OF FUNDS)

SEC. 7081. (a) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2009.

(b) FUNDING.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

EXTRADITION

SEC. 7082. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

ENERGY AND ENVIRONMENT

SEC. 7083. (a) CLEAN ENERGY.—Of the funds appropriated by title III of this Act, not less than $100,000,000 shall be made available to the United States Agency for International Development (USAID), in addition to funds otherwise made available for such purposes, for programs and activities that reduce global warming by promoting the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting.

(b) CLIMATE CHANGE ADAPTATION.—Of the funds appropriated by this Act, up to $10,000,000 shall be made available for a United States contribution to the Least Developed Countries Fund to support grants for climate change adaptation programs and activities, if the Global Environment Facility makes publicly available on its website an annual report detailing the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(c) BIODIVERSITY.—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $195,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than $25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: *Provided*, That of the funds made available under this paragraph, not less than $17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 shall be made available to the United States Fish and Wildlife Service for conservation programs in Africa: *Provided further*, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided further*, That funds appropriated under the heading ''Development Assistance'' may be made available as a contribution to the Galapagos Invasive Species Fund.

(d)(1) EXTRACTION OF NATURAL RESOURCES.—The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for: (i) accurately accounting for payments for companies involved in the extraction and export of natural resources; (ii) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and (iii) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceeding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7084. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7085. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section

23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

SEC. 7086. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning individuals listed pursuant to subsection (a).

TRAINING AND EQUIPMENT REPORTS

SEC. 7087. (a) The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with other relevant United States Government agencies, shall submit to the Committees on Appropriations a report detailing the equipment to be purchased with funds appropriated or otherwise made available under the headings ''Andean Counterdrug Programs'', ''International Narcotics Control and Law Enforcement'', and ''Foreign Military Financing Program'' in this Act: *Provided*, That such report shall include a description of the anticipated costs associated with the operation and maintenance of such equipment in subsequent fiscal years: *Provided further*, That for the purposes of this subsection, ''equipment'' shall be defined as any aircraft, vessel, boat or vehicle.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7088. (a) UNITED NATIONS.—Funds made available by this Act shall be made available to continue reform efforts at the United Nations: *Provided*, That not later than September 30, 2009, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by United Nations organizations under the headings ''Contributions to International Organizations'' and ''International Organizations and Programs'' to continue reform of United Nations financial management systems and program oversight.

(b) WORLD BANK.—Section 668(c)(1) of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking ''that'' and inserting ''on the extent to which''.

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

DISABILITY PROGRAMS

SEC. 7089. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, and for programs to make publicly available information on independent living, advocacy, education, and transportation for people with disabilities and disability advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading ''Operating Expenses'' in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 7090. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: *Provided*, That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

SRI LANKA

SEC. 7091. (a) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committee on Appropriations that—

(1) the Sri Lankan military is suspending and the Government of Sri Lanka is bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law, including complicity in the recruitment of child soldiers;

(2) the Government of Sri Lanka is providing access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and

(3) the Government of Sri Lanka has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings.

(b) Subsection (a) shall not apply to technology or equipment made available for the limited purposes of maritime and air surveillance, including communications equipment previously committed or approved for the limited purposes of air and maritime surveillance.

EXPORT-IMPORT BANK RESCISSION

(INCLUDING RESCISSIONS)

SEC. 7092. (a) Of the funds appropriated under the heading ''Subsidy Appropriation'' for the Export-Import Bank of the United States that are available for tied-aid grants in prior Acts making appropriations for foreign operations, export financing, and related programs, $17,000,000 are rescinded.

(b) Of the unobligated balances available under the heading ''Subsidy Appropriation'' for the Export-Import Bank of the United States in Public Law 109–102, $27,000,000 are rescinded.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009''.

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATONS ACT, 2009

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $98,248,000, of which not to exceed $2,400,000 shall be available for the immediate Office of the Secretary; not to exceed $759,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,838,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,200,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,000,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,020,000 shall be available for the Office of Public Affairs; not to exceed $1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $8,675,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $12,885,000 shall be available for the Office of the Chief

Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs: *Provided further*, That of the funds provided under this heading, $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the Working Capital Fund's financial statements.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,384,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $18,300,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $559,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,056,000, to remain available until September 30, 2010: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $73,013,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the amounts made available under this heading, all unobligated balances as of the date of enactment of this Act are hereby permanently rescinded.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,042,467,000, of which $5,238,005,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,099,019,000 shall be available for air traffic organization activities; not to exceed $1,164,597,000 shall be available for aviation safety activities; not to exceed $14,094,000 shall be available for commercial space transportation activities; not to exceed $111,004,000 shall be available for financial services activities; not to exceed $96,091,000 shall be available for human resources program activities; not to exceed $331,000,000 shall be available for region and center operations and regional coordination activities; not to exceed $180,859,000 shall be available for staff offices; and not to exceed $46,500,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than $10,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,742,095,000, of which $2,281,595,000 shall remain available until September 30, 2011, and of which $460,500,000 shall remain available until September 30, 2009: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2010 through 2014, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the Secretary of Transportation shall conduct an analysis that compares the current status of air traffic management and the national airspace system to the planned architecture of the ''next generation'' air transportation system: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress an interim architecture for the ''next generation'' air transportation system that establishes a list of priority capabilities to be achieved by 2017 and provides an estimated cost for each of those priorities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $171,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,514,500,000 in fiscal year 2009, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $87,454,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $19,348,000 shall be for Airport Technology Research, and $8,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $80,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2009.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2009, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 115. (a) No funds provided in this Act may be used by the Secretary of Transportation to promulgate regulations or take any action regarding the scheduling of airline operations at any commercial airport in the United States if such regulation or action involves:

(1) the auctioning by the Secretary or the FAA Administrator of rights or permission to conduct airline operations at such an airport,

(2) the implementation by said Secretary or Administrator of peak-period or other forms of congestion pricing at such an airport,

(3) either:

(A) withdrawal by the Secretary or Administrator of a right or permission to conduct operations at such an airport (except when the withdrawal is for operational reasons or pursuant to the terms or conditions of such operating right or permission), or

(B) requiring a carrier to transfer involuntarily any such right or permission to another person,

(4) the charging by the Secretary or Administrator of a fee for the right or permission to use navigable airspace at such an airport, or

(5) requiring or providing incentives or disincentives to airport proprietors to take such actions themselves.

(b) Nothing in this section shall be construed to:

(1) prohibit the Secretary or the Administrator from imposing per-operation limitations on airports for the purpose of alleviating congestion at such airports,

(2) prohibit individual airports from implementing peak-period or other congestion pricing at such airports, consistent with regulations pertaining to airport rates and charges, or

(3) limit the ability of a State, political subdivision of a State, or political authority of at least two States that owns or operates a commercial airport from carrying out its proprietary powers and rights.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. Within 60 days of the publication date of any Government Accountability Office report reviewing the Federal Aviation Administration's project to redesign the airspace over the New York, New Jersey, and Philadelphia region, the Administrator of the Federal Aviation Administration shall report in writing to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation, on actions the agency intends to take in order to address any concerns and recommendations identified in the Government Accountability Office report.

SEC. 118. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the

preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $390,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $300,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,700,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2009: *Provided*, That within the $40,700,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2009: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,439,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,150,000,000 are permanently rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That notwithstanding section 1132 of Public Law 110–140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $9,500,000, to remain available until expended.

DENALI ACCESS SYSTEM PROGRAM

For necessary expenses for the Denali Access System Program as authorized under section 1960 of Public Law 109–59, $5,700,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2009; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such

fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. In addition to amounts provided in this or any other Act for fiscal year 2009, $143,031,303, to be derived from the Highway Trust Fund (other than the Mass Transit Account), shall be available for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59; 119 Stat. 1144, 1177–1179): *Provided*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: *Provided further*, That such funds shall be administered in accordance with section 1117(g)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 123. Of the amounts made available under section 104(a) of title 23, United States Code, $33,401,492 are permanently rescinded.

SEC. 124. Of the unobligated balances of funds made available in fiscal year 2005 and prior fiscal years for the implementation or execution of programs for transportation research, training and education, and technology deployment including intelligent transportation systems, $11,756,527 are permanently rescinded.

SEC. 125. There is hereby appropriated to the Secretary of Transportation $161,326,625 for surface transportation priorities: *Provided*, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the explanatory statement accompanying this Act: *Provided further*, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: *Provided further*, That the sums set aside by this section shall remain available until expended: *Provided further*, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 126. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 127. Notwithstanding any other provision of law, funds made available in Public Law 110–161 for ''Bridge over Broadway, Missoula to Rattlesnake National Recreation Area, MT'' shall be available for a new pedestrian and bicycle-friendly at-grade crossing of East Broadway Street in Missoula, Montana.

SEC. 128. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 129. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Route 116 and Bay Road Intersection and Road Improvements, Amherst, MA'' in the table of projects for such section 129 is deemed to be amended by inserting '', including Bike, Pedestrian, or Other Off Road Paths'' after ''Improvements''.

(b) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to ''Highway 77 Rail Grade Separation, Marion, AR'', in the table of projects for such section 129 is deemed to be amended by striking ''Highway 77 Rail Grade Separation, Marion, AR'' and inserting ''BNSF main line overpass within the Marion, Arkansas, planning jurisdiction''.

(c) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), in the table of projects under the heading ''Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)—Federal Lands'' in division K of such explanatory statement, the item relating to ''U.S. Forest Highway 4, Winston County, Alabama'' is deemed to be amended by striking ''Highway 4'' and inserting ''Highway 9''.

(d) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), the item relating to ''Street Improvements in Burnham, IL'' in the table of projects under the heading ''Transportation, Community and System Preservation Program'' is deemed to be amended by striking ''Street Improvements in Burnham, IL'' and inserting ''Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL''.

(e) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), the item relating to ''Street Improvements in Thornton, IL'' in the table of projects under the heading ''Transportation, Community and System Preservation Program'' is deemed to be amended by striking ''Street Improvements in Thornton, IL'' and inserting ''Engineering, Right-of-Way, and Construction of Joe

Orr Road Extension and Main Street Project in Lynwood, IL''.

(f) Funds made available from the amount appropriated under the heading ''Federal Highway Administration—Highway Demonstration Projects'' of title I of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143) for the Miller Highway from 59th Street to 72nd Street, west side of Manhattan, New York, and from the amount appropriated under the heading ''Federal Highway Administration—Highway Projects'' of title I of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–388) for design improvements on Miller Highway, New York City, New York, shall be made available for the project specified in item 4599 of section 1702 of SAFETEA–LU (Public Law 109–59), as amended by the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244).

SEC. 130. Notwithstanding any other provision of law, any unexpended amounts available for obligation for item number 48 under section 1106(b) of Public Law 102–240 (105 Stat. 2046) for the Southern State Parkway Improvement project shall be available for obligation and expenditure on the I–90 connector, Rensselaer County, New York, including reimbursement for expenses incurred on such connector prior to the date of enactment of this section.

SEC. 131. (a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 189 and inserting the following: ''Planning, design, engineering, environmental analysis, acquisition of rights-of-way, and construction for the Long Valley Bypass''.

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 3546 and inserting the following: ''Port of Coos Bay to acquire and repair the Coos Bay Line''.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $234,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $234,000,000, for ''Motor Carrier Safety Operations and Programs'', of which $8,500,000, to remain available for obligation until September 30, 2011, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2009 and September 30, 2009 on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers: *Provided further*, That $4,839,259 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for ''Motor Carrier Safety Grants''; of which $209,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That $6,502,558 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $2,231,259 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $19,571,910 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 136. None of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $127,000,000, of which $31,670,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LLIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections

2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2010 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,500,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $10,900,000 in unobligated balances are permanently rescinded.

SEC. 142. Of the amounts made available under the heading ''National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $544,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $60,200,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $159,445,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,950,000, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER RAIL SERVICE

To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail service, $90,000,000, to remain available until expended: *Provided*, That grants shall be provided to a State only on a reimbursable basis: *Provided further*, That grants cover no more than 50 percent of the total capital cost of a project selected for funding: *Provided further*, That no more than 10 percent of funds made available under this program may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator: *Provided further*, That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: *Provided further*, That to be eligible for capital assistance the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further*, That the Secretary give priority to capital and planning applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, and involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: *Provided further*, That the Administrator is directed to report to the Committees on Appropriations not later than 180 days upon enactment of this Act detailing the recipients and outcomes of grants issued pursuant to Public Law 110–116, under this heading, the Capital Assistance to States Program, any and all usage and performance fees paid to a freight railroad for access to the right of way: *Provided further*, That the Administrator may retain up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2009.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $25,000,000, to remain available until expended.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $550,000,000, to remain available until expended: *Provided*, That the Secretary shall withhold such sums as shall be necessary for the costs associated with the second retroactive wage payment to Amtrak employees and shall transmit such funding to the corporation for the sole and exclusive purpose of making such payments only at such time as said payments are due: *Provided further*, That such remaining amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2008 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2009 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the

pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $940,000,000, to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of 1 percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2009 business plan: *Provided further*, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(RESCISSION)

Of the amounts made available under this heading in Public Laws 109–115 and 110–5, all unobligated balances as of the date of enactment of this provision are hereby rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading ''Office of the Secretary, Salaries and Expenses'' shall be reduced $100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $94,413,000: *Provided*, That of the funds available under this heading, not to exceed $1,800,000 shall be available for travel and not to exceed $23,322,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2010.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $8,670,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,260,565,000 in fiscal year 2009.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $67,000,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $45,700,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,809,250,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: *Provided*, That of the funds available under this heading, amounts are to be made available as follows:

AC Transit BRT Corridor, California, $4,000,000.

Bellevue-Redmond BRT, King County, Washington, $10,952,330.

BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, Virginia, $1,000,000.

BRT, State Avenue Corridor, Wyandotte County, Kansas, $1,500,000.

Central Corridor Light Rail Transit Project, Minnesota, $20,000,000.

Central Florida Commuter Rail, Florida, $13,000,000.

Central Link Initial Segment, Seattle, Washington, $25,962,062.

Central Phoenix/East Valley Light Rail, Arizona, $91,800,000.

Charlotte Rapid Transit Extension, North Carolina, $20,500,000.

Commuter Rail Improvements, Fitchburg, Massachusetts, $30,000,000.

Commuter Rail Study—Phoenix to Tucson, Arizona, $3,500,000.

CTA Brown Line (Ravenswood), Illinois, $30,474,404.

CTA Circle Line, Illinois, $6,000,000.

Dallas Area Rapid Transit Northwest/Southeast Light Rail MOS, Texas, $87,974,716.

Downtown Orlando East-West Circulator System, Florida, $8,000,000.

Dulles Corridor Metrorail, Virginia, $29,100,000.

Honolulu High Capacity Transit Corridor Project, Hawaii, $20,000,000.

Houston Metropolitan Transit Authority Advanced Transit Program/METRO Solutions Phase 2, Texas, $15,000,000.

Hudson-Bergen MOS–2, Northern, New Jersey, $1,103,860.

I–69 HOV/BRT, Mississippi, $7,650,000.

Improvements to the Rosslyn Metro Station, Virginia, $2,000,000.

JTA BRT System, Jacksonville, Florida, $1,280,000.

Largo Metrorail Extension, District of Columbia/Maryland, $34,700,000.

Livermore-Amador BRT, Livermore, California, $7,990,000.

Long Island Rail Road East Side Access, New York, $209,623,898.

Mason Corridor BRT, Fort Collins, Colorado, $11,182,000.

MARC Capacity Improvements, Maryland, $13,000,000.

Metra, Illinois, $24,000,000.

Metro Gold Line Eastside Extension, Los Angeles, California, $81,600,000.

Metrorail Orange Line Extension Project, Florida, $20,000,000.

Metro Rapid Bus System Gap Closure, Los Angeles, California, $332,620.

Mid-City Rapid, San Diego, California, $19,485,000.

Mid Jordan Light Rail Extension, Utah, $20,000,000.

Mountain Links BRT, Flagstaff, Arizona, $5,614,200.

Norfolk LRT, Virginia, $53,592,108.

North Shore LRT Connector, Pennsylvania, $670,885.

Northern Indiana Commuter Transit District, Indiana, $5,000,000.

Northstar Corridor Rail, Minnesota, $71,166,060.

Pacific Highway South BRT, King County, Washington, $281,520.

Perris Valley Line, Riverside, California, $45,000,000.

Pioneer Parkway EmX BRT, Springfield, Oregon, $296,000.

San Francisco Muni Third Street Light Rail—Central Subway Project, California, $10,000,000.

Second Avenue Subway Phase 1, New York, $277,697,000.

South Corridor BRT, Kent County, Michigan, $600,000.

South Corridor I–205/Portland Mall LRT, Oregon, $81,600,000.

South County Commuter Rail, Wickford Junction Station, Rhode Island, $1,345,500.

South Sacramento Light Rail Extension, California, $7,000,000.

Southeast Corridor, LRT, Colorado, $1,031,210.

Stamford Urban Transitway, Connecticut, $3,650,000.

Streetcar Loop, Portland, Oregon, $45,000,000.

Trans-Hudson Midtown Corridor, New Jersey, $48,000,000.

Troost Corridor BRT, Kansas City, Missouri, $125,200.

Tucson Modern Streetcar/Light Rail Transit System, Tucson, Arizona, $2,000,000.

University Link LRT Extension, Washington, $100,000,000.

Van Ness BRT Project, San Francisco, California, $400,000.

VRE Rolling Stock, Virginia, $5,000,000.

Weber County to Salt Lake City Commuter Rail, Utah, $81,600,000.

West Corridor LRT, Colorado, $60,000,000.

Wilshire Boulevard Bus-Only Lane, Los Angeles, California, $9,857,097.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration, Capital Investment Grants account and for bus and bus facilities under the Federal Transit Administration, Formula and Bus Grants account for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2011, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2008, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2009, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. Notwithstanding any other provision of law, in regard to the Central Link Initial Segment Project, to the extent that Federal funds remain available within the current budget for the project, the Secretary shall, immediately upon the date of enactment of this Act, amend the Full Funding Grant Agreement for said project to allow remaining Federal funds to be used to support completion of the Airport Link extension of said project.

SEC. 166. Any unexpended funds in Federal Transit Administration grant numbers KS–03–0018 and KS–03–0032 shall be made available, at the request of the State, for a bus rapid transit project and related capital purchases and facility improvements, in Johnson County, Kansas City, KS under the terms and conditions required to carry out section 5309(b)(3) of title 49, United States Code to the extent applicable.

SEC. 167. Of the balances available for this fiscal year to carry out 49 U.S.C. 5309(b) left to the discretion of the Secretary of Transportation, $100,000,000 are permanently rescinded.

SEC. 168. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).

SEC. 169. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 170. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 171. Notwithstanding any other provision of law, the $2,695,000 appropriated for the Charlotte Rapid Transit Extension—Northeast Corridor Light Rail Project, North Carolina under the Alternatives Analysis Account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161) shall be used for the Charlotte Rapid Transit Extension—Northeast Corridor to carry out new fixed guideway or extension to existing fixed guideway activities described in section 5309 of title 49, United States Code.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $31,842,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $123,360,000, of which $10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools, of which $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $53,208,000 shall be available for operations at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is

submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3506 of Public Law 109–163 or section 54101 of title 46, United States Code, $17,500,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,531,000, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $1,382,554 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note (cds)), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

SEC. 177. Section 51509 of title 46, United States Code, is amended in subsection (b) by deleting ''$4,000'' and inserting in lieu thereof ''$8,000'' and by inserting ''tuition,'' after ''uniforms,''.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $19,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline safety information grants to communities'' as authorized in section 60130 of title 49, United States Code: *Provided further*, That grants described under the previous proviso shall be awarded within 120 days of enactment of this Act.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $32,000,000, of which $3,302,000 shall remain available until September 30, 2011: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $93,291,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2011; and of which $74,481,000 shall be derived from the Pipeline Safety Fund, of which $40,081,000 shall remain available until September 30, 2011: *Provided*, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2010: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2009 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,900,000, of which $6,936,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $71,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,847,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2009, to result in a final appropriation from the general fund estimated at no more than $25,597,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line

Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further,* That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided,* That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.

(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—

(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or

(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).

SEC. 193. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 194. Of the funds made available or limited by this Act, which are not otherwise allocated under this Act or under SAFETEA–LU (Public Law 109–59) or necessary to fulfill existing agreements between the Department of Transportation and metropolitan areas under the ''Urban Partnerships'' and ''Congestion-Reduction Demonstration'' programs, not more than 10 percent of such funds for any program that is allocated at the discretion of the Secretary may be expended in furtherance of the Department of Transportation's ''National Strategy to Reduce Congestion on America's Transportation Network'' issued May 2006 by Secretary of Transportation, the Honorable Norman Mineta; also known as the ''Congestion Initiative'' or any other new congestion initiative.

SEC. 195. Of the funds available for Ferry Boats and Ferry Terminal Facilities, $950,000 shall be for Missouri River, Route 240, Saline and Howard Counties for expenses, including reimbursement of previously incurred expenses, for alternative transportation (including ferryboat service) during bridge replacement.

SEC. 196. Notwithstanding any other provision of law, the State of New Mexico may use funds apportioned to the State under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, to support the operation of commuter rail service between Belen and Bernalillo, New Mexico.

SEC. 197. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 598 in section 3044(a) of Public Law 109–59 that are unobligated or unexpended in a grant shall be made available to OATS, Incorporated for buses and bus-related facilities.

SEC. 198. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 1152 in section 1702 of Public Law 109–59 that are unobligated or unexpended shall be made available for maintenance, repair and reconstruction of the Tucker Bridge in the City of St. Louis, Missouri.

SEC. 199. Notwithstanding any other provision of law, section 198 of division K of Public Law 110–161 shall continue in effect during fiscal year 2009.

This title may be cited as the ''Department of Transportation Appropriations Act, 2009''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $23,799,456, of which not to exceed $3,885,581 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,613,898 shall be available for the Office of Hearings and Appeals; not to exceed $544,552 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $720,343 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,516,800 shall be available for the immediate Office of the General Counsel; not to exceed $2,715,488 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $2,586,721 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,005,120 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,602,655 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,707,499 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,778,560 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,431,212 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $691,027 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided,* That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further,* That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further,* That the Secretary shall provide all signed reports required by Congress electronically: *Provided further,* That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban

Development, $527,433,640, of which not to exceed $75,510,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $11,003,940 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $48,817,430 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $13,438,200 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $34,028,820 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $84,837,460 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,085,120 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,215,280 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; and not to exceed $255,497,390 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $190,390,100.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $94,233,700.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $363,198,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $10,000,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $18,070,850.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $69,020,990.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,727,950.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $16,817,000,000, to remain available until expended, of which $12,817,000,000 shall be available on October 1, 2008, and $4,000,000,000 shall be available on October 1, 2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $15,034,071,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other designated housing vouchers initially funded in fiscal year 2008 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2009 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the 2009 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $100,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; and (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds.

(3) Not to exceed $7,929,000 provided under this heading may be transferred to the Working Capital Fund: *Provided*, That funding made available under this section shall not be transferred to the Working Capital Fund until the voucher management system leasing and cost data is made available to the public on the Department of Housing and Urban Development website.

(4) $1,500,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program and which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,400,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2009 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2008 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-

based rental assistance authorized under section 8, including related development activities: *Provided further*, That of the total amount provided under this paragraph, $50,000,000 shall be made available for family self-sufficiency coordinators under section 23 of the Act.

(5) $20,000,000 for incremental voucher assistance through the Family Unification Program: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(7) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families: *Provided*, That assistance made available under this paragraph shall continue to remain available for the same population upon turnover: *Provided further*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

HOUSING CERTIFICATE FUND

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2009 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,450,000,000, to remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2009 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $10,000,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed $14,577,000 may be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year 2009: *Provided further*, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2009 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2009 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,455,000,000; of which $5,940,000 shall be for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing: *Provided*, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $120,000,000, to remain available until September 30, 2010, of which the Secretary of Housing and Urban Development shall use $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: *Provided*, That of this amount, $299,211 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided*

further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $420,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $310,000,000, to remain available until September 30, 2010, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2011: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use not to exceed $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed $1,750,000 may be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $26,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2009, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That of the total amount made available under this heading, not less than $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,900,000,000, to remain available until September 30, 2011, unless otherwise specified: *Provided*, That of the total amount provided, $3,641,966,875 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That of the total amount made available under this heading, not to exceed $3,175,000 may be transferred to the Working Capital Fund: *Provided further*, That $5,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $165,311,875 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $19,546,250 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of managers under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 889 by striking ''Perry County, Pennsylvania to develop an industrial park in New Bloomfield'' and inserting ''Perry County, Pennsylvania to develop an industrial park in Penn Township/Duncannon''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II of division K of Public Law 110–161 is deemed to be amended by striking: ''Golden Castings Foundry Demolition and Site Remediation Project to raze and remediate the site of the former Golden Castings Foundry for the demolition and environmental remediation costs of the Golden Castings foundry site'' and inserting ''To remediate the former site of the Columbus Wood Treating Plant in Columbus, Indiana''.

The referenced explanatory statement under this heading in Public Law 110–161 is deemed to be amended with respect to the fourth item included in the table found on page 2439 with respect to amounts made available for the Springfield Boys and Girls Club by striking ''Springfield Boys and Girls Club; Community Center; Springfield, IL; Planning, development, land acquisition, and construction costs for a new community center in Springfield.'' and inserting ''City of Springfield for capital costs associated with the Edwin Watts Southwind Park''.

The referenced statement of managers under the heading ''Community Development Fund'' in title II of division K of Public Law 110–161 is deemed to be amended by striking: ''City of Charlotte, NC for land acquisition in the development of the Belvedere Business Park'' and inserting ''City of Charlotte, NC for development of the Belvedere Business Park''.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2010, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2010: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2011, of which not to exceed $4,200,000 may be transferred to the Working Capital Fund: *Provided*, That up to $12,000,000 shall be available for technical assistance: *Provided further*, That, in prior appropriations Acts for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $64,000,000 to remain available until September 30, 2011: *Provided*, That of the total amount provided under this heading, $26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $34,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further*, That $3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing

Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,677,000,000, of which $1,672,000,000 shall remain available until September 30, 2011, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That of the amount provided, $10,000,000 shall be made available to conduct a demonstration program on the prevention of homelessness among the Nation's veterans: *Provided further*, That the Secretary shall work in coordination with the Department of Veterans Affairs and the Department of Labor to select a limited number of urban and rural sites in which to carry out this demonstration: *Provided further*, That in selecting sites, the Secretary shall evaluate the rate of homelessness among veterans in the area, and the experience of the grantees in coordinating with Department of Veterans Affairs and the Department of Labor to enable veterans to access mainstream programs: *Provided further*, That of the sites selected, up to three shall have a high number of service members separating from the military and transitioning into civilian life: *Provided further*, That the Secretary shall also select up to four sites located in rural areas to evaluate how to effectively serve veterans in rural areas, many of whom may have been part of the National Guard, may have limited access to the Department of Veterans Affairs medical centers, and may have dependent family members: *Provided further*, That funding made available under this demonstration shall be available for housing and appropriate services to prevent veterans and their families from becoming homeless or reduce the length of time veterans and their families are homeless: *Provided further*, That of the amounts made available under this heading, not to exceed $750,000 may be available for an evaluation of this demonstration: *Provided further*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That of the total amount made available under this heading, not to exceed $2,675,000 may be transferred to the Working Capital Fund: *Provided further*, That $3,000,000 of the funds appropriated under this heading shall be used to conduct research on homeless issues, including homeless prevention and youth homelessness: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2009: *Provided further*, That this heading in the Department of Housing and Urban Development Appropriations Act, 2008 is amended by inserting the following new proviso after the third proviso: ''*Provided further*, That the Secretary may renew grants made under this demonstration program and may treat such original grants and any such renewal grants as if these grants were made under the supportive housing program:''.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $7,100,000,000, to remain available until expended, shall be available on October 1, 2008, and $400,000,000, to remain available until expended, shall be available on October 1, 2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $6,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Up to $232,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $10,000,000 provided under this heading may be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $765,000,000, to remain available until September 30, 2012, of which up to $626,400,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to $2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act: *Provided further*, That of the total amount made available under this heading, not to exceed $1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to

section 811 of such Act, $250,000,000, of which up to $161,300,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2012: *Provided*, That of the total amount made available under this heading, not to exceed $1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $65,000,000, including up to $2,000,000 for administrative contract services, to remain available until September 30, 2010: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $37,600,000 are rescinded.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $10,600,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $5,400,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2009 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2009, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $315,000,000,000. During fiscal year 2009, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, $116,000,000, of which at least $46,794,000 shall, and up to $58,492,500 may, be transferred to the Working Capital Fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2009, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed. Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act. For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $48,871,000, of which at least $47,871,000 shall be for administrative contracts and up to $1,000,000 shall be for consumer education and outreach for FHA loan products.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $300,000,000,000, to remain available until September 30, 2010: *Provided*, That to the extent new guarantees of mortgage-backed securities exceed $75,000,000,000 on or before April 1, 2009, an additional $1,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000) but in no case shall funds made available by this proviso exceed $14,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $58,000,000, to remain available until September 30, 2010: *Provided*, That of the funds made available under this heading, $23,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further*, That at least $1,000,000 shall be available for the Secretary to conduct a comprehensive study to be managed by the Office of Policy Development and Research, to analyze the administrative costs necessary to carry-out the tenant-based voucher program: *Provided further*, That of the total amount made available, $2,000,000 may be made available for technology directly related to disaster prone areas.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $53,500,000, to remain available until September 30, 2010, of which $27,500,000 shall be to carry out activities pursuant to such section 561 of which up to $2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act

of 1992, $140,000,000, to remain available until September 30, 2010, of which not less than $14,600,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated: *Provided further*, That of the total amount made available under this heading, $250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $224,000,000, to remain available until September 30, 2010, of which not less than $4,000,000 shall be used for planning for modernizing, improving and maintaining information technology applications and infrastructure supporting the FHA: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2009 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2009 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2009 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2009 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2009 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2009, the Secretary shall transmit this information to the Committees by March 15, 2009 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The President's formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;
(4) is unmarried;
(5) does not have a dependent child;
(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and
(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2009, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2009, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. During fiscal year 2009, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''2003'' and inserting ''2009''; and

(2) in subsection (o), by striking ''September 30, 2007'' and inserting ''September 30, 2009''.

SEC. 224. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2008 AND 2009.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal years 2008 and 2009—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2008 and fiscal year 2009; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2008 and 2009.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2010.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2010, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, including expiring project-based contracts.

SEC. 225. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 226. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 227. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 228. Section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)) is amended—

(1) in subparagraph (F), by striking ''and'';

(2) in subparagraph (G) by striking the period at the end and inserting ''; and''; and

(3) by adding a new subparagraph (H) as follows:

''(H) housing that is assisted under section 811 of the Cranston-Gonzalez Affording Housing Act (42 U.S.C. 8013).''.

SEC. 229. The Home Investment Partnerships Act (42 U.S.C. 12721 et seq.) is amended—

(1) in section 233(d)(1) by striking ''20'' and inserting ''40'';

(2) in section 233(e) by striking ''40'' and inserting ''25'';

(3) in section 243(b), in the second sentence, by striking ''20'' and inserting ''40''; and

(4) in section 271(i) by striking ''Act after December 31, 2007'' and inserting ''section after December 31, 2011''.

SEC. 230. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 231. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 232. Of the unobligated balances remaining from funds appropriated under the heading ''Tenant-Based Rental Assistance'' under the Department of Housing and Urban Development Appropriations Act, 2008, $750,000,000 are rescinded from the $4,158,000,000 which are available on October 1, 2008. Such amount shall be derived from reductions to public housing agencies' calendar year 2009 allocations based on amounts in public housing agencies' net restricted assets accounts (in accordance with VMS data in calendar year 2008 that is verifiable and complete), as determined by the Secretary.

SEC. 233. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2009 and thereafter, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2009 and thereafter, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 234. PREPAYMENT AND REFINANCING. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results —

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 235. USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided,* That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further,* That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further,* That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further,* That, this section shall apply to properties in fiscal year 2008 and 2009 made available as surplus Federal property for use to assist the homeless.

SEC. 236. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS) and is a HOPE VI agency. No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding than they otherwise would have received absent this designation.

SEC. 237. Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under the fourth paragraph under the heading ''General and Special Risk Program Account'' in the Department of Housing and Urban Development Appropriations Act, 2008, $5,000,000 are rescinded: *Provided,* That with respect to such discount sales referenced under such paragraph, notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2009 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 238. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided,* That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 239. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2009''.

TITLE III

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $6,550,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $22,800,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $91,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2009 only, on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

(RESCISSION)

Of the available unobligated balances made available under this heading in Public Law 106–246, $671,275 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $131,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That of the amounts made available under this heading, $6,000,000 shall be made available to conduct a consumer mortgage public education campaign: *Provided further*, That funding amounts provided under the previous proviso shall be available for campaign development, production, and outreach activities.

For an additional amount, $50,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $5,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,333,000: *Provided*, That no funds may be used to pay the salaries and benefits of any employee of the United States Interagency Council on Homelessness that spends more than 10 days outside of the United States while not on annual leave.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking ''2008'' and inserting ''2010''.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2009 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code,

shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2009. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009''.

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $100,000,000, to remain available until expended, to address additional requirements related to the protection mission: *Provided*, That of this amount, not to exceed $12,730,000 may be transferred to ''Acquisition, Construction, Improvements, and Related Expenses'' to address the deferred maintenance backlog: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

GENERAL PROVISIONS—THIS DIVISION

SEC. 101. Sections 143, 144, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.) are each amended by striking ''the date specified in section 106(3) of this joint resolution'' and inserting ''September 30, 2009''.

SEC. 102. (a) EXTENSION OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—Effective as of February 1, 2009, section 1858 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 504) is amended—

(1) in subsection (a), by striking ''60 days after'' and all that follows through the end of the subsection and inserting ''on March 1, 2010.''; and

(2) in subsection (b), by striking ''the 60-day period referred to in subsection (a)'' and inserting ''the period beginning on February 2, 2009, and ending on February 28, 2010,''.

(b) FUNDING.—Of the funds provided under the heading ''Operation and Maintenance, Defense–Wide'' in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3606), $1,100,000 shall be made available only for purposes of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

SEC. 103. Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think we've already debated this issue extensively. This bill is needed to fill in the gaps left in the existing budget for this year. It is the last of yesterday's business so that we can move ahead to deal with the President's expected new budget. I would urge support for the package.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, like many of my colleagues, I'm

embarrassed by this omnibus spending bill and the process that created it. Even as the President talks about the need to put our economic house in order, this House continues to spend and spend and spend and spend. Clearly, the Congress has lost its way.

Not one of the nine spending bills in this omnibus was ever considered by the full committee. Six of the nine bills in this package were never considered by the full Appropriations Committee. One more time we're spending hundreds of billions of dollars with no debate, no amendments, no Member input. Yes, clearly, this Congress has lost its way.

It's now standard operating procedure that only a handful of Members in leadership are actually involved in writing significant legislation. This has been true with every supplemental spending package the House has considered over the last 2 years. This was true in the development of the $789 billion stimulus package passed by the House just 2 weeks ago. And, that is true once again today.

Under this rule just adopted, Members have 1 hour to debate $410 billion in spending, with no opportunity for amendments. That equates to nearly $7 billion for every minute of debate. Sadly, the vast majority of our Members will have no voice whatsoever in crafting this measure.

The fiscal year 2009 omnibus bill contains funding for nine of the 12 regular appropriations bills, a total of $410 billion. The new fiscal year began on October 1 and today, nearly 5 months later, we're jamming the work that should have been done last year into one massive, last-minute, ''take-it-or-leave-it'' spending bill.

The spending in this legislation represents a $32 billion, or 8 percent increase over last year for the very same agencies and programs. With the exception of the spending boost after the September 11 attacks, this represents the largest annual Federal Government spending increase since 1978.

At the very time when our economy is forcing families to make do with less, Congress has embarked on the largest spending spree in our country's history. When combined with the three appropriations bills that were signed into law in September, this enacted fiscal year 2009 budget will become our country's very first trillion dollar discretionary budget.

□ 1415

It comes as no surprise that the $410 billion omnibus spending bill contains funding for many of the same government programs that received funding in the $789 billion stimulus package. Stimulus funding for these nine spending bills totals $270 billion. When added together, the combined fiscal year 2009 funding for government programs in both bills is $680 billion—an increase of $301 billion, or an 80 percent increase over just last year.

The real surprise is not the unfettered spending but the complete and utter failure of Congress to encourage any fiscal discipline whatsoever. At a time when American families are cutting unnecessary spending to weather the economic downturn, Congress should be doing the same thing. Instead, the premise of Pay-Go, or ''pay as we go'' is being replaced by the promise Go-Spend under this majority.

This delirious pace of government spending goes well beyond what most people would consider reasonable, let alone responsible. An 8 percent—or a $32 billion—increase in 1 year on top of the stimulus package is simply unnecessary and unsustainable. Balance is what we should strive for, providing enough money to allow the agencies to carry out their primary missions and to achieve real results. Our public has grown weary of Congress' simply throwing money at every problem in this country. Spending fatigue has set in.

Mr. Speaker, as I commit to working constructively with DAVID OBEY this year, I encourage the majority leadership to pursue regular order that is inclusive of all Members so our work can once again reflect the bipartisan voices of this House.

I reserve the balance of my time.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert tabular and extraneous material on H.R. 1105.

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

There was no objection.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, for the last year and a half, this committee has been taking every reasonable action to ensure transparency in the earmarking process.

As an article in today's Roll Call says, ''The disclosure system implemented in the 110th Congress now allows for all of these Members' earmarks to be located with a simple search of the online version of the bill, allowing for more transparency than ever.''

One aspect of the transparency process is to list the names of every Member requesting an earmark. It has come to our attention that a small number of earmarks with multiple sponsors inadvertently omitted some Members' names—a simple staff error. To ensure full and complete transparency, I am entering into the RECORD the additional names that should be attached to those requests. These are not new projects. We are simply adding additional Members' names who should be listed as sponsors or as cosponsors.

~~[illegible]~~ Rep. Obey – H.R. 1105

Correction of typographical errors in the table that begins on page H1841 of the Congressional Record of Monday, February 23, 2009:

COMMERCE, JUSTICE, SCIENCE

Agency	Account	Recipient	Purpose	Location	Amount	Requester(s)	
						House	Senate
Department of Justice	OJP--Byrne Discretionary Grants	Nassau County Police Department	Nassau County Anti-Gang and Anti-Gun Trafficking Initiative	Mineola, NY	$380,000	King, Peter T.; McCarthy, Carolyn	

Correction of typographical errors in the table that begins on page H2126 of the Congressional Record of Monday, February 23, 2009:

INTERIOR / ENVIRONMENT

Agency	Account	State	Project	Amount	Requester(s)	
					Senate	House
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Craig for water and wastewater improvements project	$250,000	Murkowski	Young, Don

Correction of typographical errors in the table that begins on page H2279 of the Congressional Record of Monday, February 23, 2009:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Education	Higher Education (includes FIPSE)	Morehouse College, Atlanta, GA, to establish a research initiative to improve college graduation rates of minority males	$95,000	Lewis, John	Chambliss; Isakson
Department of Education	Higher Education (includes FIPSE)	Spelman College, Atlanta, GA, for programs to recruit and increase graduate rates for students pursuing science, mathematics, or dual-engineering degrees	$95,000	Lewis, John	Chambliss; Isakson
Department of Education	Elementary & Secondary Education (includes FIE)	Alaska PTA, Anchorage, AK, to train parents in their roles and responsibilities under the No Child Left Behind Act	$238,000	Young, Don	Murkowski
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Southeastern Center for Emerging Biologic Threats, Emory University, Atlanta, GA, for programs related to bioterrorism and emerging biologic threats	$95,000	Lewis, John	Isakson; Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Oklahoma State University-Center for Health Sciences, Tulsa, OK for purchase of equipment	$333,000	Lucas, Frank D.; Fallin, Mary; Boren, Dan; Sullivan, John	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Catholic Health System, Buffalo, NY, for equipment	$143,000	Higgins, Brian	Schumer

Extension of Remarks – Rep. Obey

Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Georgia State University, Atlanta, GA, for health outreach and training	$95,000	Lewis, John	Chambliss; Isakson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, for health education and screening for citizens exposed to uranium mill tailings	$381,000	Matheson, Jim	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Yukon-Kuskokwim Health Corporation, Bethel, AK, for renovation and equipment	$1,475,000	Young, Don	Murkowski
Department of Health & Human Services	Administration on Aging (AOA)	Town of North Hempstead, NY, for the Project Independence naturally occurring retirement communities demonstration project	$333,000	McCarthy, Carolyn	Schumer

Correction of typographical errors in the table that begins on page H2530 of the Congressional Record of Monday, February 23, 2009:

DEPARTMENT OF TRANSPORTATION

Account	Project	Amount	Requester(s)
Capital Investment Grants	BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, VA	$1,000,000	Sen. Webb; Rep. Moran, James P.
Interstate Maintenance Discretionary	I-95/Fairfax County Parkway Interchange, VA	$1,900,000	Sen. Webb; Rep. Davis, Tom; Rep. Moran, James P.
Interstate Maintenance Discretionary	I-85 NB Viaduct at SR 400 NB-Exit lane, GA	$475,000	Sen. Chambliss; Rep. Lewis, John
Surface Transportation Priorities	Granite Falls Alternate Route, WA	$2,375,000	Sen. Murray; Sen. Cantwell; Rep. Larsen, Rick
Surface Transportation Priorities	New York State Route 12	$475,000	Sen. Schumer ; Rep. Arcuri, Michael A.
Transportation, Community, and System Preservation	Bridge over Brandywine Creek, PA	$712,500	Sen. Specter; Rep. Gerlach, Jim
Transportation, Community, and System Preservation	Intersection Improvements on US 212 and US 81 and Improvements to US 81, SD	$950,000	Sen. Thune; Rep. Herseth Sandlin, Stephanie
Transportation, Community, and System Preservation	Martha Ave/I-76 Connector, Akron, OH	$1,187,500	Rep. Ryan, Tim, Rep. Sutton, Betty; Sen. Voinovich
Transportation, Community, and System Preservation	Reconstruction of Roosevelt Road, Village of Broadview, IL	$570,000	Rep. Davis, Danny K.

Correction of typographical errors in the table that begins on page H2571 of the Congressional Record of Monday, February 23, 2009:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Account	Project	Purpose	Amount	Requester(s)
Economic Development Initiatives	Howard County, Ellicott City, MD	for construction and equipment for community rooms	$380,000	Sen. Mikulski; Rep. Cummings, Elijah E.

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

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in opposition to this omnibus appropriations bill for many reasons, not the least of which is that this bill adds even more spending on top of the stimulus package that we just passed. As ranking member of the subcommittee on energy and water, I note that this bill contains just under $34 billion for similar accounts over and above those in the $800 billion stimulus.

However, I do commend our chairman, Mr. VISCLOSKY, for the open and participatory manner in which he develops all of our bills.

Overall, I am pleased about the energy and water portion of this package. The spending levels are fairly normal for energy and water development, and I know that the chairman has worked hard not to make any major policy decisions during the change in administrations. I am supportive of his approach with one exception: This has to do with the future of our nuclear power program.

Mr. Speaker, our national security demands that we develop a more balanced energy portfolio that reduces our dangerous addiction to oil. In years to come, we must have nuclear energy. No other technology provides such a clean source of baseload power. Over 20 percent of our Nation's energy supply comes from a nuclear source. The funding in this omnibus puts the future of American nuclear power in jeopardy. While some, including the current House and Senate leadership, may applaud this policy decision, I think it is a serious mistake.

This bill significantly cuts funding to Yucca Mountain, our future national depository for nuclear waste. It doesn't cut it all out because that would eliminate jobs and local funding support for the project that brings help to the State of Nevada. No. The omnibus keeps the project on basic life support, but this bill cuts enough so that the future of this project is in serious doubt, and it does so without proposing any other solutions for nuclear disposal.

Mr. Speaker, this seems the height of irresponsibility. I recognize the process that has led us to the floor of this House this afternoon will not allow us to have a real debate on the issue. For this and other reasons, I oppose this omnibus.

Mr. Speaker, I thank the gentleman from California for the time and ask consent to revise and extend my remarks.

Mr. Speaker, I rise in strong opposition to this omnibus appropriations bill for many reasons, not the least of which is that this measure adds even more spending atop a stimulus package we just passed.

I also want America to know what this bill will soon do to the children of Washington, DC.

In 2003, I worked with the current Minority Leader to establish a school voucher pilot program for the District of Columbia schools. Since that time, I have been proud to watch that program thrive. District school parents like the program because "they believe their children are in safe schools, they appreciate the small class sizes, rich curricula and positive change in their sons and daughters."

These are not my words. These are the words of the Washington Post in an editorial endorsing the DC school voucher program on January 26, 2008.

However, tucked deep inside this massive omnibus appropriations bill is a provision that terminates this common-sense program.

My colleagues, every child can learn if given the proper opportunity. This program gave children that opportunity. But no more! Parents will soon lose educational options for their families and children will once again be trapped in underperforming and failing public schools.

Mr. Speaker, this Congress and this President are about to fail the children of the District of Columbia.

America needs to know that and we should not be tucking this notion into the fine print of a massive $400 billion bill.

I also rise as ranking member of the Subcommittee on Energy and Water to note that this bill contains just under $34 billion for similar accounts above and beyond the $800 billion "stimulus."

However, I do commend our Chairman—Mr. VISCLOSKY—for the open and participatory manner in which he develops our bills.

Overall, I'm supportive of the Energy and Water portion of this package.

This bill contains another $9.8 billion for the Department's stewardship of our nuclear weapon stockpile. This responsibility is often overlooked with all the attention on energy issues, but this is really a core mandate of the Department.

There's roughly $6.5 billion appropriated for the Department's cleanup responsibilities. Another $6.5 billion is for the water projects of the Army Corps of Engineers and the Bureau of Reclamation.

Of the $33,795,000,000, over $10.7 billion is provided for the Department of Energy's science and energy R&D efforts.

The spending levels are fairly normal for energy and water development.

And I know that the Chairman worked hard not to make any major policy changes during the change in Administrations, and I'm supportive of his approach with one exception. This has to do with the future of our nuclear power program.

Mr. Speaker, our national security demands that we must develop a more balanced energy portfolio that reduces our dangerous addiction to imported petroleum.

In the years to come, we must tap the promise of nuclear energy. No other technology provides such a clean source of baseload power. Over 20% of our energy comes from nuclear power.

The funding in this Omnibus puts the future of American nuclear power in jeopardy. While some—including the current House and Senate leadership—may applaud this omission, I think it's a serious mistake.

This bill significantly cuts funding to Yucca Mountain—our future national depository for nuclear waste. It doesn't cut it all out, because that would eliminate the jobs and local funding support that the project brings to Nevada. No—the Omnibus keeps the project on "life support."

But this bill cuts enough so that the project is in serious doubt, and it does so without proposing any other solution for nuclear disposal.

Mr. Speaker, this seems the height of irresponsibility.

I recognize that the process that has led us to the floor of this House this afternoon will not allow us to have a real debate on this very real issue.

But we must have this debate because it is so critical to our economic and national security.

It's the type of issue that we were elected to solve.

I urge defeat of the bill.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I come to the floor today to speak on the Financial Services and General Government section of the omnibus.

The bill includes $22.7 billion for this subcommittee, which is an increase of almost 10 percent above the fiscal year 2008 level. Nearly every account in the bill is funded at or above the budget request. If you will look closely at this $410 billion legislation, you will see most of the bill provides operational funding for government agencies, not program funding for grants or other services.

I am very concerned that this bill focuses on the Federal bureaucracy at the expense of the bricks-and-mortar projects we need to fund to spark our economy. Even within the areas of spending on infrastructure, I harbor concerns.

One example is the funding provided for the GSA. In the stimulus bill just passed by the House last week, GSA received $5.6 billion for the construction and alterations of Federal buildings. This bill provides GSA with another $1.4 billion for construction and alterations. In the last fiscal year, GSA only received a total of $1.4 billion for all of these activities. This year, they will receive a total of $7 billion.

We have all had experience with GSA projects in our districts. Does anyone really believe they have the contracting, program management, building engineering expertise to effectively manage $7 billion of new projects in 1 year?

I also note that the bill includes language prohibiting new District of Columbia students from eligibility for Opportunity Scholarships and stating that the program will be terminated after the 2009–2010 school year unless the authorization is extended. The Opportunity Scholarship Program provides close to 2,000 disadvantaged children the opportunity to attend private schools in the Nation's capital. All of these students who don't have the means to pay private tuition beyond the 2009–2010 school year will be forced

out of the schools they and their parents have chosen. These children are from some of the poorest families in the District of Columbia. They have average incomes of approximately $23,000 per year.

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

Mr. LEWIS of California. I yield to the gentlewoman an additional 30 seconds.

Mrs. EMERSON. Mayor Fenty and Chancellor Rhee are to be commended for their heroic reform efforts. However, the D.C. public school system is still the only place in the country where I, personally, support school vouchers. D.C. is still struggling to improve student achievement and to address school violence. Now isn't the time to limit academic choice for D.C.'s poorest families. I look forward to working with Chairman SERRANO during the coming year to ensure that the families in the District of Columbia have the academic opportunities they need.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I just want to respond very briefly to my colleague from New Jersey (Mr. FRELINGHUYSEN), who is our ranking member.

I appreciate your kind words. Certainly, as we head forward to 2010, I look forward to the continued bipartisanship that we have enjoyed on the subcommittee both at a member and at a staff level.

I simply want to address Members of the House to share my concern with the ranking member about the final number relative to the Yucca Mountain depository as far as nuclear waste. I would point out that, in fiscal year 2008, $286 million was provided for that project. I would point out that the House mark for this project was $60 million higher. We were at $247 million. Unfortunately, a compromise was obviously involved here. The figure ultimately ended up at $145 million. I am not happy with it. The gentleman expressed his unhappiness.

Certainly, I want to continue to work—looking at all of these nuclear accounts and as a supporter of nuclear as part of the solution to our energy problem and climate problem—to make sure that this is not untoward as far as the continued progress of the industry. So I do appreciate and share the gentleman's concern.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, last year, the American taxpayer got on the hook for a whole series of bailouts to huge corporations and prop-ups for quasi-governmental organizations and hundreds of billions in stimulus programs. It reminds me of a layer cake, a seven-layer cake.

When I was growing up in Athens, Georgia, I went to Alps Road Elementary School. On the way home every day, when I would walk home, I would pass the Beachwood Bakery. Sometimes they'd put a big layer cake in the front window. A layer cake was so cool because it would have chocolate and then a layer of vanilla and a layer of almond cake, and it was all this delicious stuff, but it was interesting because one was stacked on top of the other. That's what we're seeing in the Pelosi deficit Congress:

Last year, a $29 billion for Bear Stearns bailout in March; $168 billion in May for a bailout; $200 billion in July for Fannie Mae; $700 billion in October; $85 billion for AIG in September; then this year, $790 billion for a stimulus package. Well, you would think that some of that would be coordinated with last year's appropriations bill which we're about to pass, but instead, it is all layered, just like that cake.

If you look at this bill, there is a 13 percent increase for agriculture spending, 11 percent for congressional spending, 13 percent for transportation, and 11 percent for Commerce, State and Justice. Now, that sounds okay. It's a little bit out of whack with what the American family is going through, so that's bad. Then when you realize that this is not coordinated with the stimulus bill of $790 billion, which we just passed, if you look at that, then agriculture is actually up 45 percent; Commerce, State and Justice are up 41 percent; labor 91 percent; transportation 139 percent.

Overall, these accounts in these seven appropriations bills have gone up 80 percent when combined with the stimulus package, and the stimulus package in these areas is not something that is going to be hardcore job creation. There is not enough public works to it.

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

Mr. LEWIS of California. I yield to the gentleman an additional 30 seconds.

Mr. KINGSTON. So here we are at a time when American families are worried about being laid off. They have seen their retirement accounts shrink to nothing. Many have been laid off. Many have had foreclosures. It is time for Congress to tighten its belt. Yet, with the passage of this bill and of last week's bill, we're looking at an 80 percent increase in these particular areas of the budget.

I believe the proper vote today is to vote ''no.'' Send this back to committee. Actually let Republican members look at the bill, and try to redraft something that is better. Let's work together for a better piece of legislation.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Just for clarification to the gentlewoman (Mrs. EMERSON), the D.C. School Vouchers Program will remain in effect. It has been funded this year for $14 million. It remains in effect until June of 2010. It will then be up to the authorizing committee to speak to our committee as to what they want to do. It will also be up to the D.C. Government to tell us if they wish to continue the program. The program stays in effect until next June, and I think that will give us ample time to find out how everyone feels about the continuation of the program.

Mr. Speaker, I'd like to thank Chairman OBEY for yielding time so I can comment on the Financial Services and General Government portion of this bill. I'd also like to thank him for the hard work he has put into bringing this bill to the floor.

The Financial Services and General Government section of this bill provides important funding to ensure that the Federal Government is more responsive to the needs of the people, and increases resources to ensure the agencies under this section have increased resources to perform important oversight roles over the operation of our banks and of Wall Street.

The bill provides $22.7 billion in discretionary appropriations for programs within the Department of the Treasury, the Executive Office of the President, the Federal Judiciary, the District of Columbia, the General Services Administration, the Small Business Administration, and several smaller agencies. This bill directs funding to programs in these agencies where we believe money will be well spent and will benefit, for example, disadvantaged communities and small businesses.

The bill also directs funding toward agencies that have important roles in our efforts to promote economic recovery. The American Recovery and Reinvestment Act included nearly $6.9 billion for agencies in the Financial Services bill, including the Treasury Department, the General Services Administration, and the Small Business Administration. The bill we are considering today will provide these agencies with funding to enable them to fully implement important recovery activities, such as support to small businesses and making our Federal buildings and vehicles more energy efficient.

I also want to highlight briefly four important themes in the Financial Services bill—financial sector oversight, consumer protection, small business development, and election administration improvements.

With respect to financial sector oversight, the bill provides funding increases over last year's level and the previous administration's requests for Treasury's Departmental Offices, information systems, and Inspector General. While this bill doesn't directly fund the Troubled Asset Relief Program, or TARP, it funds the Office of the Secretary and other executive leadership offices at Treasury that have central responsibility in making policy decisions on TARP. These funds will help ensure that the remaining TARP money will be distributed in an open and fair manner.

Mr. Speaker, I also want the House to know that we have increased the budget for the Securities and Exchange Commission. This bill includes a $37 million increase over the FY 2008 level, and is above the funding recommendations of both the House and Senate Appropriations Committees. This is just a down payment toward restoring the ability of the SEC to vigorously oversee the financial markets, enforce securities law, and protect investors.

If I might take a moment to look ahead, this subcommittee will be taking a hard look at

those agencies that failed in their duty to protect our economy. Although they are under new leadership now, we will have important questions for them in how they conducted themselves, and what resources and changes are needed to ensure such a crisis does not occur again in the future.

Regarding consumer protection, the Consumer Product Safety Commission would receive $25.4 million above the FY 2008 level. These extra funds will be used to continue the effort we started in the last Congress to restore the Commission's ability to keep unsafe products, including unsafe imported products, out of the marketplace. Money is also available in the bill for the Commission to improve the safety of pools and spas to prevent tragedies involving child drowning.

Consumer protection is also important with respect to financial products such as mortgages and consumer loans. My subcommittee held a hearing last year that examined the problems relating to the subprime mortgage market and what the Treasury Department and the Federal Trade Commission could do to address this situation. Treasury's Community Development Financial Institutions Fund, which will receive $107 million in this bill, or $78.4 million above the previous administration's request, helps to expand the availability of credit, capital and financial services to underserved communities throughout the nation, including those particularly hard hit by the credit crisis. The Federal Trade Commission will also receive increased funding for investigation and enforcement in the financial services area, including subprime lending investigations.

This bill also does a great deal to support small businesses by including $612 million for the Small Business Administration. This includes $110 million for Small Business Development Centers, which is $13 million over the FY 2008 level. We also provide $22.5 million for microloans and technical assistance to the smallest companies.

In addition, the bill funds SBA programs that target disadvantaged and low-income communities and entrepreneurs, including the HUBZone program, the PRIME program, and the 7(j) program.

The fourth important theme is improving election administration. The Election Assistance Commission is a small agency that works on issues that are extraordinarily essential to the Nation and to voters' confidence that their votes are counted accurately. This bill includes $100 million for payments to States to help them meet the requirements of the Help America Vote Act of 2002, as well as additional funding for research and testing of voting systems. This funding will help ensure that elections are fair, accessible, and accurate.

Mr. Speaker, the Financial Services section of this bill also includes a number of policy provisions that will address some ongoing congressional concerns.

It includes, for example, a moratorium on new competitive sourcing—also known as A–76—activities. The provision halts the previous administration's controversial and detrimental Federal workforce program so that the new Administration can consider and implement its own workforce policies.

The bill also contains a provision to prohibit funds from being used in support of the IRS private debt collection program. Under this very misguided and wasteful program, the IRS allows private contractors to collect unpaid taxes and to keep up to 24 percent of the tax revenue they bring in. This program should be terminated, and the prohibition on funds will help ensure that the IRS better redirects their resources elsewhere.

The Financial Services section also includes provisions to liberalize travel to Cuba for Americans who have family members living in that nation. There is no reason to place any restrictions on those who simply wish to visit their families that are still in Cuba. In addition, the bill contains provisions to facilitate trade with Cuba relating to agricultural and medical product sales.

This section of the bill also encourages our Federal Government to address an important Federal worker benefit issue that has already been successfully dealt with by about 10,000 private sector employers, including more than half of the Fortune 500 companies. We have included report language that clearly states that, ''OPM should consider taking steps to extend health care benefits to Federal employees' domestic partners.'' It is past time for our Federal Government to take a lead in providing this important employee benefit.

Mr. Speaker, the Financial Services provisions of this bill include many important funding and policy choices that will improve the services our government agencies provide to our constituents as they pay taxes, purchase products, vote in elections, and start small businesses. I urge a yes vote on this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

□ 1430

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, when it was announced that Randolph Churchill had been hospitalized to remove a benign growth, a rival commented, ''What a pity it is to remove the only part of Randolph that isn't malignant.''

When I look at this bill, I can only remark what a pity it is to remove the only part of the Federal education system that actually works. Hidden in this mess is a provision that effectively destroys the Washington, D.C. Opportunity Scholarship Program. For the last 5 years, these vouchers have provided thousands of low-income children with the means for their parents to make the very same choice that our First Family has made for its children.

The Washington Post, which is hardly a paragon of conservatism, summed it up this way in its editorial today:

''Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing.''

Mr. Speaker, this bill represents the biggest expansion of discretionary spending since the Carter administration, but it can't even continue the one successful education program in the entire Federal Government.

Mr. OBEY. Mr. Speaker, I reserve my time.

Mr. LEWIS of California. I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I don't remember a time in the years that I've been in Congress that I've used a chart. I hope you can see this, but I can't see it very well.

Charts are interesting things. The most interesting part of them is that the numbers change all the time. But I thought it would be very appropriate to follow on to the comments that Mr. KINGSTON had made.

This package before us is a reflection of what has to be the worst possible year for the Congress in terms of their willingness to just throw the people's money at almost any problem around as though that is the solution.

I've described this as the first—hopefully the only—trillion dollar-plus discretionary budget in the history of the Congress. Indeed, in every category of spending—the 08 year, the 09 year, adding on to it the omnibus package, the $800 billion package that just passed—we have radically increased and adjusted that which will be going on in government not just in the fiscal year ahead of us, but setting a new stage for spending that I believe could lead to destroying the dollar as we know it.

If you just look at these categories. Here's in the area that has to do with energy and water. In that package, we have approximately—if I can read this thing properly—$30.9 billion in 08. In the 09 year, combined with the omnibus, that package goes up to $77.6 billion. That is a 151-percent increase in spending in this category of national funding, 08 to 09.

Most outrageous is the subcommittee that is chaired by the chairman of our full committee, my colleague and friend from beautiful downtown Wisconsin. In the 08 fiscal year, the Labor, Health and Human Services bill spent $144.8 billion. That's not trillion or million. It's billion dollars.

When you combine both the 09 spending year with the omnibus, the total in these categories of spending runs to $276.6 billion; a 91 percent increase over the 08 year. Think about that. A 91 percent increase in the largest discretionary package in all of our spending outside of national defense. Absolutely, it's clear to anybody who could think about it.

We're raising the bar, the foundation point for spending across the board in the Federal Government; and as we do so, we put pressure on spending across the board every year subsequent to the 09 year.

So year in, year out, we're going to be breaking the bank by way of additional spending.

If the public is concerned about its Federal Government—especially the tax-paying public who are legitimately working for a living—if they're worried about it, they will take a look at this chart. We'll be glad to make it available. It's time that we got a handle on just throwing money or mud at the wall—taxpayers' money, if you will.

This trillion-dollar package is a reflection of the Congress not doing its work. I come to the well with this chart simply to urge everybody who is listening to recognize that it's time that we send a message to the people's House: Enough is enough. We've got to get a handle on this or we're going to destroy our economy.

Indeed, the Appropriations Committee has stopped doing its work by way of regular order, that is, having hearings in the subcommittee, hearings in the full committee, coming here and having open rules. Instead, we're passing trillion-dollar packages with no input from the Members of the people's House, thereby no input for the citizens out there who pay our bill in the first place.

With that, Mr. Speaker and my colleagues, I strongly urge a ''no'' vote on this package and urge you to help us make sense out of the way the system is working.

Mr. Speaker, may I ask how much time there is on both sides.

The SPEAKER pro tempore. The gentleman from California has 12½ minutes remaining. The gentleman from Wisconsin has 27 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the recognition, and because the energy and water portion of the omnibus package was mentioned, I would point out to my colleagues that we know how to say ''no,'' to say ''no'' for the right reason: for policy, as well as to save the taxpayers of this country money.

The previous administration asked for $205 million to expand the Strategic Petroleum Reserve. That would essentially, at a time of high gas prices, put the Federal Government in competition with the consumer. That was a bad idea. The subcommittee and full committee said ''no,'' and we have saved the taxpayers $205 million in this bill.

The previous administration asked for moneys for the so-called Global Nuclear Energy Partnership Act. That was zeroed out in this bill. There were not huge, vast sums of money involved, but there were taxpayers' dollars that were saved and particularly in the out years because we did not go down that road.

The previous administration wanted to proceed as far as the examination of a reliable replacement warhead absent a new nuclear strategy post-Cold War. It was not a good idea. We eliminated that money, and we saved the taxpayers of this Nation a great sum of money.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LEE).

Mr. LEE of New York. Mr. Speaker, I rise to oppose this spending bill, and I do so in the same Chamber as last night the President spoke on an issue of fiscal responsibility.

But now this Congress is about to pass another major spending bill, and when you look at the numbers, it's simply an embarrassment. This is on the heels of the largest spending bill in the United States' history being passed less than 2 weeks ago. This thousand-page bill is $410 billion; nearly 9,500 earmarks—or almost 25 per Member of Congress. The largest 1-year increase in discretionary spending since the Carter administration. On top of that, this bill doubles up on spending in many areas already allocated through the stimulus package.

The one number I keep coming back to is $11.5 trillion dollars. That's how high the nonpartisan Congressional Budget Office says the budget deficit will rise over the next decade under the spending programs enacted by this Congress. That's nearly 3½ times the cumulative budget deficit for the previous administration.

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

Mr. LEWIS of California. I yield the gentleman an additional 30 seconds.

Mr. LEE of New York. More of the same irresponsible spending will not engineer western New York's economy from recovery or create jobs over the long term. Mortgaging our children's future will only drive us deeper into this ditch.

It's time to change the course here in Washington. Washington has to start doing more with less.

Mr. OBEY. Mr. Speaker, I continue to reserve my time.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in opposition to the Omnibus Appropriations Act for fiscal year 2009. During these challenging economic times, American families and small businesses every day are making sacrifices to make ends meet, and this Congress should be doing the same.

With all of the talk about fiscal responsibility in this Chamber last night and across Capitol Hill, it is time for our Democratic colleagues to put our money where their mouth is. Republicans are willing to come together and work across the aisle and make the hard choices necessary to put our fiscal house in order. But today, instead of doing that, we're passing one more massive government spending bill.

The Republicans believe Congress, instead, should immediately freeze all Federal spending at existing levels. No 8 percent increase in the Federal budget that's included in this bill. No earmarks. Let's just do what every American family is doing right now. Let's find the savings, let's hold the line on expenses, and let's make it through these difficult times.

The $410 billion spending bill that we're considering today that the majority has brought to the floor includes billions in wasteful spending, thousands of pork-barrel projects, and an 8 percent increase in funding for government programs. It's the largest increase in discretionary spending since the years of the Carter administration, with the sole exception of the days following 9/11. The largest increase in discretionary spending in a single year since the time I was in high school.

And there's provisions in this bill that undermine historic pro-life safeguards enshrined in our long-standing policy and law: $500 million for family planning organizations, language that guts the Kemp-Kasten provision preventing funding going to organizations that support coercive abortion and forced sterilization, and reduction of funding for community-based abstinence.

And it's earmarking as usual in this bill. There's $1 million to research the red snapper in Florida, $1.9 million for the Pleasure Beach Water Taxi project in Connecticut, and $2 million for promoting astronomy in Hawaii. I ask, Mr. Speaker, are these projects really necessary in these challenging economic times?

House Republicans and millions of Americans are saying enough is enough. Let's do what every American family, what every small business and family farmer is doing in these difficult times: let's hold the line on spending. Let's set aside this massive new omnibus spending bill, and let's pass immediately a spending freeze and begin the process of putting our house in order.

Let's say ''no'' to an 8 percent increase in federal spending, ''no'' to 9,000 earmarks, and let's say ''yes'' to fiscal discipline and reform, and let's say ''yes'' to an immediate freeze on all Federal spending.

This Congress should do no less and make no less sacrifice than every other American family is making in these difficult days.

I urge a ''no'' vote on the omnibus spending bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, I think I heard the immediate previous speaker say that we should freeze all expenditure at the 08 level. Well, speaker after speaker from the other side of the aisle have said—from what they've said it would seem to me they are in complete denial, utter denial, of where we are and why we got here.

The fact that we have had a recession. We've been in a recession for at least, now, into the fifth quarter. All of that being in the budget year of 08, fiscal 08, and then part of 09 when we did part of our budget under the previous President.

We, in that period of time, have ended up losing more than 3 million jobs in the 08 calendar year. We're still going to lose more jobs. We're still in recession, clearly in recession. And we have also been suffering from a foreclosure crisis where we've lost more than 3 million homes to foreclosure.

□ 1445

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

Mr. OBEY. I yield an additional minute.

Mr. OLVER. What that totals to is of course there is more expenditure when you are talking about trying to get out of a recession and a foreclosure crisis—which every economist, reputable economist, at least, that we've heard from on either side of the aisle says that the kind of recovery package that we have passed only 2 weeks ago was important to be able to put a bottom under this recession, under the foreclosure crisis, and such. The foreclosure crisis caused by total lack of any kind of regulation of the financial industry has occurred under their watch.

So here we are, we have a recovery package which actually does increase the expenditure over what would be the normal expenditure in a given year. Our regular budget that we're passing is only the regular budget. The stimulus package is above that, and it needs to be above that. And they've got to stop being in denial of how we got there and why we're having to do this.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank the ranking member for yielding. And I thank you for the opportunity, Mr. Speaker, to be here today and to talk about this important measure on the House floor.

Our President came before us last night and called for a new foundation of lasting prosperity. And I agree, that's what we must have in these tough economic times. We have to come together and work across party lines to make that happen. Unfortunately, the spending bill on the House floor today goes in the opposite direction. There is nothing new about this foundation that they're offering, and there is nothing lasting in terms of prosperity that will be produced from this legislation.

This is the largest increase in government spending since President Jimmy Carter and the malaise days of the 1970s. It was the wrong approach then and it is the wrong approach now. I think we need to work together to find a real solution.

President Obama called last night for us to make the hard choices to bring down the debt. Well, if that's the case, there were no hard choices in this legislation before us today because it doesn't bring down the debt—in fact, it increases it at a rapid pace.

In the last 3 weeks, this Congress will have passed almost $1.5 trillion worth of spending. It's dangerous. It's dangerous because it will lead to high inflation, it's dangerous because it crowds out private capital, it's dangerous because it hurts our long-term prosperity and our hopes for the future.

The American people deserve better. And that's why I encourage my colleagues to vote against this legislation. America can do better, and the American people deserve much better than this wild-eyed spending bill we have before us today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, with this bill today we are fulfilling our responsibility as representatives of the people to fund critical programs and to invest in a framework for job creation.

We all know why we are here. The previous administration refused to compromise and work toward a sensible approach. While advocating for billions upon billions of dollars to save Wall Street, the Bush administration blocked every new penny for Main Street, critical dollars for energy research, health care, education, law enforcement and biomedical research. We have rejected those devastating cuts, and so today we have a final package that will keep the government running and finish last year's business.

It should also be clear that this bill works in harmony with the economic recovery package, making investments that address the country's immediate needs while investing in our long-term economic strength.

While Republicans express outrage on the floor of this House, the fact is that this bill is a product of bipartisan, bicameral negotiations. Every funding decision in this funding bill was made with Republican staff in the room and with their collaboration.

This bill represents a real commitment to getting our economy back on track, and I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining and the gentleman from Wisconsin has 23 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from California for yielding.

And I think all of my colleagues know that American families and small businesses are struggling, they're tightening their belt. And what are we doing here? We're bringing nine appropriation bills to the floor all wrapped into one big bill, 8 percent over the amount spent last year, including some 9,000 earmarks. I just think this is out of control.

This is exactly what the American people want us to change. And after spending all kinds of unnecessary money in the so-called ''stimulus'' bill, now we see these big increases in the bill before us. And that's why my Republican colleagues and I suggested that we ought to have a spending freeze. Let's just freeze spending for these agencies at last year's level. But our request for an amendment to have such a debate and vote was denied, and so here we are in a position of having to oppose this bill.

One of the more hideous provisions in this bill is the effort to eliminate the District of Columbia Scholarship Program. Back when I was chairman of the Education and Workforce Committee, I worked on a bipartisan basis to help establish this program, and in the agreement that was reached, provided additional money to D.C. schools for IDEA and for title 1 in exchange for a $15 million program to help our poorest students here in the District of Columbia who are trapped in some of the worst schools.

Now, this program has helped thousands of students here in the District of Columbia. I was at a school on Monday that has students there who receive money from the D.C. Scholarship Program. Their parents are engaged in their schools, their parents like their schools, and the kids are doing well. And yet, because this provision was never debated in committee, it was never debated in subcommittee, and we didn't see it until 2 days ago and somehow it showed up in this bill, would seek to make clear that the end of this program is going to occur at the end of this school year.

Mr. Speaker and my colleagues, most of you know that I have a real passion for making sure that all kids in America have a chance at a decent education. None of us would be here if we had not had a chance at a decent education. And we know some of the worst schools in America are actually right here in the District of Columbia. And for those parents who have taken advantage of this program and allowed their children to go to real schools, schools where they're cared for, schools where they get an education, to suggest that we ought to eliminate this program is an abomination. I am adamantly opposed to this provision and opposed to this bill, and would urge my colleagues to send a loud and clear message that we should vote ''no.''

The President campaigned against this type of legislation, this number of earmarks. And I would hope that the President would veto this bill because Republicans in Congress will be here to uphold his veto of this piece of legislation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. I thank the gentleman.

I rise in support of this important piece of legislation and suggest that our good friends on the other side of the aisle are either suffering from some state of amnesia or maybe stuck in an alternative universe because it's pretty clear that the American people are suffering, that we are living through the worst economic crisis in almost any of our lifetimes. I don't know that there's anybody who is a Member of this Congress today that lived through the Great Depression, but there is an unprecedented crisis that the spending and appropriations in this legislation will help address beyond the important

recovery legislation that we passed last week.

It is critical that we invest in the quality of public education, that we make sure that children and the frail elderly have the services that they need, that we make sure that we rebuild our infrastructure, and that we make sure that we make an important and historic commitment to improving the quality of life of all Americans. That's what this legislation will do, and I am proud to support it.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentleman for yielding.

And I, as a member of the Appropriations Committee, take a great deal of pride in our work. I know that at this time of financial crisis, the Nation needs to have confidence that the United States Congress is doing its job thoughtfully and deliberatively in a way that is transparent and open and responsive to the American taxpayers. But to have that confidence in our work, we have simply got to be open and transparent.

And I know that Chairman OBEY is a believer in the committee process. I know Chairman OBEY in his heart wants to do all that he can to open up this process and make sure that taxpayers see and hear and participate in the drafting of this important legislation. But yet this bill before us, this $400 billion spending package, is in so many ways representative of the process followed by the leadership of the Congress. The $800 billion stimulus bill, which was posted on the Internet only 13 hours before the vote, the public cannot have any confidence in our work if they can't see and hear and know what we're doing. And transparency today in the age of social media is so important.

I cannot support this bill because we, as a public, have not been given a right to see it, to participate in its drafting, the committee process was not followed as it should have been, and it is spending money we do not have. Never before in history have so few spent so much money in so little time; over $1.3 trillion has been spent by this new Congress in 26 legislative days. We have, in one stroke, in this very short span of time, more than doubled the annual spending levels of the United States Government with virtually no transparency, no input from the public.

The American people have been shut out from the committee process. The deepest, darkest hole in America is the House floor under this new leadership, and it's just wrong. It's not right. Let's let the sun shine in. Let the public in. Let the taxpayers see how their money is being spent. That will give the public more confidence in the process and give us, as the minority, a greater ability to support where we can.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the gentleman yielding, and just a moment ago mentioned a number of programs that did not have merit, which we said no to. On the other hand, looking at the energy situation we face in the United States, it is an economic, a national security, and an environmental issue, and we do need to make an investment.

New technology drives new jobs, markets, and economic opportunity, which is why we set $4.8 billion aside for the sciences in the Office of Science.

It is a national security issue, energy is, given where we buy so much of our petroleum products from, which is why we decided to invest in new vehicle technology to the extent of $273 million so we can get more miles per gallon, setting aside the issue of Yucca, investing $792 million in nuclear energy, and doing extensive biomass research.

There is an environmental aspect to this as well, and that is why we set aside monies for advanced clean energy and technologies to reduce the impact of older fossil-based fuels.

And finally, I would point out, given national security, we have set aside $1.5 billion for nuclear nonproliferation programs.

Mr. LEWIS of California. Mr. Speaker, I yield myself so much time as I might consume.

Mr. Speaker, it's a very unusual circumstance for me to do this, but addressing my colleague, the chairman of the full committee, personally, let me say that you've heard a lot from me about the fact that I am disconcerted about the way we got here, but nonetheless, this omnibus process has been a long and difficult one in development. And you are to be congratulated for the effort you put into this not only recently, but much of last year, and I have every respect for that effort.

But having said that, I was joined by all of my colleagues on both sides of the aisle who were in attendance at the President's address last evening. President Obama demonstrated to all of us, as well as the public, his immense capability as a public communicator. In many, many ways he said exactly the kinds of things we need to be discussing with each other if we're going to get America back on track.

President Obama urged all of us to reach out in as much bipartisanship, nonpartisanship as possible to make sure that we stimulate our economy, create jobs, leading America to a new opportunity in the years ahead. Following that, I would have hoped that the work of the House would reflect that very spirit; but, indeed, I mentioned earlier the omnibus package of some $800 billion that was just passed a couple of weeks ago, a bill that went forward with very, very little Member input, virtually no subcommittee work within the Appropriations Committee, a single hearing within the full committee, coming to the floor with no significant possibility of amendment, and yet we were literally one more time throwing the people's money in suggestion that we would solve problems that way. That was just 2 weeks ago.

And then we came to the President's address just last night. And here we are, the day after that, spending another $410 billion by way of this omnibus package that absolutely is a reflection of the worst of the way the House ought to be working.

□ 1500

When we take nine bills from last year, put it in a single package, having no serious Member input, no subcommittee work, almost no Member of the House having an opportunity to provide amendments, et cetera, it is the worst reflection of the way this House ought to be working. Indeed, if we continue on this pathway, we won't just in the first couple of months of this session be spending $1½ trillion of the public's money; we will be setting the stage for undermining our economy for the years to come. I'm afraid unless the public gets the message clearly enough that they send a clear voice by way of their communication with their membership, we won't change this pattern. And, indeed, the destiny of the country will be dramatically affected by such misdirection.

I urge the Members to express their view regarding this by way of voting ''no'' on the package before us.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, division B of the bill before the House today includes appropriations for the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and other independent and related agencies for fiscal year 2009.

At the outset, Mr. Speaker, I want to thank the former ranking member of this subcommittee, Mr. FRELINGHUYSEN, who I think is on the floor here this afternoon, for his contribution to this title. Mr. FRELINGHUYSEN leaves the subcommittee this year to become the ranking member of the Energy and Water Subcommittee. Over the past 2 years, we have worked cooperatively together, and I'm very much appreciative of his recommendations in crafting this portion of the bill and the bipartisan approach he brings to his work generally. While it is with disappointment that he leaves our subcommittee, we are equally pleased to welcome Congressman FRANK WOLF back to the subcommittee. Once its chairman, Congressman WOLF returns again this year as our ranking member in the 111th Congress. He too has a reputation for bipartisanship and the passion he brings to his work. I am pleased to welcome him and look forward to working with.

Division B of the bill provides nearly $57.7 billion for programs of the Justice and Commerce Departments, NASA,

NSF, and those related agencies. This level is an increase of $5.8 billion over comparable fiscal year 2008 levels. Programs funded within this division of the bill touch and enrich the lives of every American in many varied ways. Whether assisting the poor with legal representation; combating crime; and deterring terrorism and the scourge of drugs; improving and protecting our Nation's oceans, waters, and natural habitats; or enabling new discoveries in science here in our Nation's laboratories on Earth or in its heavens that lead to improvements in our health, this bill covers a broad swath. Mr. Speaker, it is important to note that passage of this bill provides basic operating components of all of those agencies and does it well.

In closing, let me acknowledge the work of the staff. They have put in long hours to get us here. My thanks to the staff's director, John Blazey, for his outstanding performance leading an excellent staff. Diana Simpson, Adrienne Simonson, Tracey LaTurner, and Scott Sammis have each brought their considerable talents and dedication to the task of producing this legislation.

Mr. Speaker, in particular let me recognize the contributions of Marjorie Duske. A new appropriations structure providing discrete appropriations for the salaries, expenses, and management of the Department of Justice's State and local law enforcement programs shall be a testament to her commitment to detail, program analysis, and tenacity. Marjorie worked for the House of Representatives for nearly 18 years, the last 2 of which were on the Subcommittee on Commerce, Justice, Science. Marjorie is not here with us today as she has left the committee to begin a new opportunity in the upper body, and in a way returning a bit closer to her home, she now serves the senior Senator from Minnesota. In any event we on the committee wish her Godspeed and thank her for her service to the body.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I really hate to take the time, but I do think in light of all that's been said that one last time I need to put in context what it is we're doing with this bill.

As I indicated earlier, last year we finished our international bills, but we reached an impasse with then President Bush because the President insisted that he would only sign appropriation bills that fit within his budget recommendations. Those budget recommendations were some $20 billion short of what the Congress determined when it passed the budget resolution that we needed to provide for those programs. If we had simply acquiesced in President Bush's programs, we would have cut the Job Corps, we would have eliminated Employment Service grants, we would have cut senior jobs by $172 million, we would have eliminated vocational education programs, we would have eliminated three student aid programs including the Perkins loan program, we would have funded the highway infrastructure at $800 million below the level guaranteed in the authorization, we would have cut airport modernization grants by 22 percent, we would have eliminated Community Service Block Grants, and we would have cut Low Income Home Energy Assistance by $570 million, and we would have cut health care access programs by $1 billion. As I said many times on this floor, I have never had anybody come up to me at home and say, ''Obey, why don't you guys in Congress get your act together and cut cancer research?'' And yet that's what the previous President and the previous Republican-controlled Congress did over a 2-year period. They cut over 900 medical research grants out of the National Institutes for Health. We objected to that and said, no, we didn't think that ought to happen.

So we then offered the President a compromise. I called the White House budget office, and I said, look, why don't we at least just split the difference between these bills so we can get something done on the domestic side of the ledger? They said no. At that point we had a choice. We could acquiesce in these reductions or we could say, no, we're going to bet on the outcome of the election. We did. Mr. Obama won. We now have a White House which is firm in its beliefs but also one that recognizes that people have to compromise to get things done.

This is now a compromise package brought to the House. This has been worked out at the staff level between Republicans and Democrats alike in both the Senate and the House. And the Senate minority leader, Senator MCCONNELL, while I suspect he will vote against this package, urged us to take it up 3 weeks ago because he indicated it had been fully vetted by both sides, by both parties, and he said in his estimate he thought it would pass with an overwhelming vote. We shall see.

But I want to explain two other things about this bill, what this bill really does. And it's been suggested that this bill is not at all coordinated with the stimulus package we passed last week. Absolutely false. This omnibus bill does two things: It provides base funding for the programs funded in the Recovery Act without which those additional recovery funds would not be useful. Example: the Social Security Administration. While the Recovery Act provides $1 billion to the Social Security Administration to replace its computer center and to process increased disability retirement requests, this bill provides $10.5 billion for Social Security operating budgets. It doesn't do any good to have a computer center if you don't have an operating budget. This bill provides the other half of the funding that's needed to make our promises on Pell grants to students around the country a reality.

The recovery bill in the area of highways provided $27.5 billion for additional highway construction. This bill provides $40.7 billion to improve and repair our Nation's aging highway infrastructure. The recovery bill was built with this package in mind.

The second thing this bill does is to provide basic funding for all kinds of programs that were not increased by the recovery package. Three-quarters of the accounts in the Federal Government did not receive an additional dime in that recovery package. This bill takes care of the base funding for those programs.

Now, we hear some concerns expressed from the other side of the aisle about the number of earmarks in the bill. Give me a break. The last time that our party controlled the House of Representatives, we had, for instance, in the Labor-Health-Education appropriation bill, depending upon how you define them, either zero earmarks or nine. When the Republicans lost control of the Congress, they were providing over three thousand earmarks in that subcommittee bill. That's the story, I mean as a practical matter. The other side didn't just let the cat out of the bag when it came to earmarks; they let out the whole blessed zoo. So now we have tried to reform that process, at the same time being respectful for Congress's right to determine how funding is directed in the budget. So we have a good many earmarks in this bill. Those earmarks represent congressional decisions about where dollars ought to be spent.

I would point out virtually every agency Secretary has far more in discretionary funds than the Congress has to distribute in earmarks. In fact, virtually every dollar in Secretary discretionary funds is nothing but funds that are reserved for administration earmarks or the functional equivalent thereof.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBEY. I would be happy to yield to the gentleman.

Mr. LEWIS of California. The point that the chairman is making is a very, very important point. We do have a constitutional responsibility to spend the people's money by way of appropriations. Over the years there has been a tendency to concede all of that authority to an administration, Democrat or Republican, and people get up here and harangue about our exercising that constitutional charge that we have. The chairman is making a very important point. Years and years ago, literally every subcommittee chairman, as the chairman said earlier, pretty much dictated what went on in the whole budget. There was very little individual Member input. And the administration had an exchange over time. We ceded so much of our authority, it is very much a time for us to begin to reconsider this recent history, and I appreciate the point the chairman is making.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I want to make one other point. We have heard a lot of concern expressed today on the other side of the aisle about the deficits that are being mounted by this bill in conjunction with the stimulus bill. Let me point out I have heard seven different times Members on that side of the aisle refer to the fact that this is a $400 billion bill. It is not. It is a $410 billion bill. But $390 billion of that represents requests on the part of the Bush administration. So let's keep that in perspective.

□ 1515

Secondly, I really don't want to have to take lectures from those who supported the idea that we should borrow $1.2 trillion in order to provide tax cuts over the past years, the lion's share of tax cuts going to the very wealthiest people in this society. I don't want to hear lectures from people who essentially provided what will eventually be $2 trillion in costs for the Iraqi war.

A number of us tried to assure that at least half of the money that we provided to Iraq in economic aid would be in the form of loans, because Iraq has a lot of oil and sooner or later is going to be a rich country and we wanted to see the American taxpayers reimbursed for some of the costs of building schools, building roads and all the rest in Iraq. No, we couldn't get the votes to do that.

But now we face a serious problem in our own country, not in Iraq, but in our own country. And so, yes, in combination of this bill with the stimulus package, or the recovery package, as it's known, there is an awful lot of money being spent. I make no apology for that, because we are trying to fill what is going to be a $3 trillion hole in the economy because of the rising unemployment numbers.

I want to use this chart for what I hope will be the last time. This chart demonstrates what is likely to happen in the economy if we do nothing. The red bars indicate what estimates are in the economic community, what estimates are of what will happen to unemployment rates if we do nothing. These red bars indicate that by the end of next year, the economics profession largely expects us to have unemployment around 11 percent, perhaps even higher. The blue bars represent what we hope will happen if the government passes a $750 billion economic recovery package.

As you can see, unemployment, even under that scenario, is expected to rise through the remainder of this year before it begins to turn down next year. What we have tried to do is simply shave off the worst, most extreme effects of this recession. That's what we have tried to do with the stimulus package.

So what we have really had here today is a regurgitation of the debate that occurred 2 weeks ago on that stimulus package. But the fact is that if you take that stimulus package and add it to this package today, you are still only talking about a package of $1.2 trillion to counter what is supposed to be a $3 trillion hole. I would submit that it is very easy to imagine that we will, in fact, be back here asking for even more by way of countercyclical funding to counter the deep slide that we see in our recession.

Poll after poll demonstrates that you have close to 70 percent of the American people who agree with what President Obama is trying to do in passing the package to produce this moderating effect on what will otherwise be the most serious recession since the thirties.

So I make no apology for the fact that instead of providing billions of dollars for economic recovery in Iraq, we are not trying to provide a good amount of money to provide economic recovery here at home. I thought that's what our job was, to primarily concentrate on the needs on the home front.

I would point out one other thing in closing. For all of us who have talked and told our constituents that at a time of extreme economic distress at home, Members of Congress should not be getting a pay raise next year, if you want to assure that that, in fact, happens and that we deny that pay raise for the coming year, then you must vote ''yes'' on this bill, because without this bill you do not have the limiting language that was inserted in this bill by the rule that was passed earlier today.

With that, I would urge an ''aye'' vote.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

I support this omnibus package because it rejects the harmful cuts that former President Bush insisted on in his budget. Instead, this bill provides and restores critical funding in areas such as energy research, healthcare, education, law enforcement, and biomedical research. As a proponent of the recently enacted economic recovery bill, I support this omnibus because its passage is necessary in order to allow the stimulus plan to work.

In light of our nation's current economic downturn, I am pleased that Members of Congress will not receive an automatic cost-of-living increase scheduled for FY2010. In these difficult economic times, Members should forgo a cost-of-living increase.

Last night, in his address to a Joint Session of Congress, President Obama emphasized his commitment to create or save 3.5 million new jobs in this country. The omnibus bill addresses this pledge by providing $3.6 billion for job training programs. I believe that job training is critical to help workers receive the necessary skills training they need to move into higher paying jobs and provide for their families.

But that is not all. In terms of education, I am particularly pleased that the omnibus bill takes a comprehensive approach to education. The bill provides $7.1 billion for Head Start; $15.8 billion for Title-I programs serving the most disadvantaged students in our country; and a much needed $19.2 billion for federal student financial aid programs like the Pell Grant. These funding levels complement President Obama's ambitious goal to tackle our nation's drop out rate and have America lead the world by the year 2020 with the largest proportion of college graduates.

In my district alone, 20,179 students receive Pell Grants which provide students with resources to offset the rising costs of tuition. By ensuring funding for these types of investments, we are opening the doors of opportunity for all our children.

I have worked closely with my colleagues to find ways to curtail the violence in Mexico and support our southern neighbor. I am pleased that this omnibus bill provides $405 million for counter-narcotics and law enforcement programs through the Merida Initiative. With violence surging in Mexico, President Obama has made clear that we will stand with Mexico as the government combats the illicit drug and weapons trade, and the Merida Initiative is a critical component of this strategic partnership.

In keeping with the aim of the recovery plan, we must continue to reinvest in our transportation infrastructure which has been neglected for years. As we transition to a system with a greater focus on energy-efficiency, the omnibus reaffirms our commitment to bolstering our nation's transit systems. The Federal Transit Administration will receive funds through this omnibus appropriations bill for grants for new buses, stations, intermodal facilities, and technology improvements. I know my district in Texas will greatly benefit from additional funds to make our transit system more efficient and accessible. Our existing national highway systems will also continue to be critical, so I am pleased to know funding has been included to improve and repair our nation's aging highway infrastructure.

Recognizing that the current recession will persist, President Obama has asked Congress to help our fellow Americans weather these tough economic times. Housing authorities and non-profits that provide housing assistance across this nation will likely experience a greater demand for their services this year. Significant funding in this omnibus is dedicated to ensuring low-income families and the most vulnerable members of our communities have access to safe, affordable housing. For the remainder of the current fiscal year, both the Public Housing Capital Fund and the Public Housing Operating Fund will receive funding increases so that public housing authorities can make critical repairs and improvements to their housing units, improve living conditions for their residents, and keep up with maintenance and energy costs. During this recession, meeting the housing needs of our low-income, elderly and disabled community members is critical, and I am glad to see just over $1 billion in grants will be available to rehabilitate, buy, and build affordable and safe housing.

The omnibus also increases funding for Section 8 vouchers to continue helping over 3 million low-income families and individuals as well as provide 14,000 new, targeted vouchers for the disabled and homeless veterans during this housing crisis. An additional $75 million will be used for 10,000 housing vouchers for homeless veterans, and $1.7 billion will also be made available in the form of grants so communities can provide housing and services for other homeless individuals.

Last night, President Obama made it clear that we will take on health care reform this

year. We have already made great strides in expanding health care coverage for our nation's children through the reauthorization of the Children's Health Insurance Program. Through the recovery plan, we have taken an important first step in cutting costs by investing in electronic medical records as well as research into diseases and preventative care. This omnibus appropriation continues these investments by providing the National Institutes of Health with critical funding to research diseases such as Alzheimer's, cancer, and diabetes. Because prevention is increasingly being recognized as essential to curbing costs, the Centers for Disease Control and Prevention will receive $6.6 billion for public health programs at the federal, state, and local levels. Community health centers, like those in El Paso, will be able to provide services for an additional 470,000 uninsured people with the $2.2 billion provided through this bill. We also provide funds to state high risk insurance pools so they can help people who cannot obtain health insurance in the commercial market because they are medically high risk. With the $496 million provided for childhood immunization, approximately 15,000 additional children will receive the vaccinations they need.

However, all these worthy programs will need the support of a well-trained base of providers. In addition to the investment in training medical professionals included in the recovery plan, $171 million in the omnibus will go to support nurse education programs and $222 million will support the Health Professions Training program to train doctors and other professionals. This funding will go a long way not only in ensuring access to services but also quality care

Mr. Speaker, I urge my colleagues to vote in favor of this omnibus bill because it will address our nation's immediate needs as well as invest in our long term economic strength.

Mrs. BACHMANN. Mr. Speaker, last night, President Obama repeatedly expressed a desire to pass fiscally responsible legislation, his fear of passing a mountain of debt to future generations, and his intention to greatly reduce the federal deficit.

All sentiments with which I couldn't agree more.

However, only two weeks after passing a $1.1-trillion economic ''stimulus'' package and a week after presenting a $275-billion plan to address less than 8% of American mortgages, Washington Democrats today are bringing to the floor an appropriations bill that represents the largest discretionary spending increase, aside from legislation after the 9/11 terrorist attacks, since the Carter Administration.

If we look back on the last 19 months, you'll find that the U.S. government has pledged more than $11.6 trillion on behalf of American taxpayers to dig our nation out of the recession—and that doesn't even include the $410 billion we are about to spend in this latest spending bill.

Where is the fiscal responsibility?

Even more incredulous is the fact that this omnibus appropriations bill contains funding for many of the same agencies and programs that already received funds in the so-called ''stimulus'' bill—162 programs in fact. For instance, it provides $2.9 billion for the 2010 census even though $1 billion was already allocated for this project in the ''stimulus'' package. We also have funding for the National Endowment for the Arts, which, fresh off receiving $50 million from the ''stimulus,'' is now in line to receive $138 million in this latest proposal.

The combined fiscal year 2009 funding for these ''double-dipping'' programs is $680 billion—a whopping 80% increase in spending.

Furthermore, the Democrat majority is once again using a massive spending bill to shove sweeping national policy changes through Congress without public scrutiny and without proper debate. This bill contains language to terminate the District of Columbia's successful school voucher program; it eliminates the ''Reading First'' program within the Department of Education; and it drastically undercuts construction and design funding for Yucca Mountain, a key component to any plan that puts America on the path to energy independence. The merit of these programs aside, a sweeping spending bill—especially one with no opportunity to amend—is not the appropriate place for any of these measures to be considered.

Enough is enough. The American taxpayer is already struggling in this weakened economy and it is time Congress started to show respect to the American people and stop increasing the weight of their financial burdens. The spending spree has to stop now.

Mr. SKELTON. Mr. Speaker, today, the House is considering H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. This legislation will complete the fiscal year 2009 appropriations process and keep our federal government operating through the end of the fiscal year. Taken as a whole, passing H.R. 1105 is good for our country. It invests in rural priorities, like agricultural and rural development programs, while simultaneously fostering the health, education, and safety of the American people.

While I will support H.R. 1105, I am deeply disappointed that the measure includes a provision added by the Senate to authorize a $25 million study to review the original project purposes of the Missouri River as set forth by Congress, by the Missouri River Master Manual, and by the federal courts. In my view, authorizing and appropriating funds for a new Missouri River study is unwarranted.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H.R. 1105, the Consolidated Appropriations Act and specifically Division H, the State and Foreign Operations section.

Despite unprecedented domestic challenges, the United States cannot afford to pull back on our commitments to critical national security and development initiatives abroad. This bill provides the Administration with funds to begin rebuilding our diplomatic and development capacity, restore American leadership and meet critical needs by providing: $7.1 billion for global health programs, including $5.5 billion for global HIV/AIDS, TB and malaria programs; $1.3 billion to address humanitarian emergencies worldwide, including in Gaza; $1.5 billion to continue basic education, safe water and environment initiatives around the world; $4.4 billion in assistance to vital allies in the Middle East, including funding for Israel and Egypt at levels agreed to in MOUs between the United States and those countries and $498 million for Jordan; $1.8 billion to help secure and stabilize Afghanistan and Pakistan; $1 billion to fund counternarcotics, law enforcement and economic development in Latin America; $1.36 billion in economic and security assistance for Africa as well as $3.9 billion to fight HIV/AIDS and meet other health needs; and $6.1 billion to hire, train, and protect an estimated 500 additional diplomats at the State Department and 300 new staff at USAID, and while continuing the existing law banning the use of U.S. government funds for the provision of abortions, it funds the UN Population Fund, a vital partner in health programs around the world.

I would like to thank our staff for their tireless work. This bill will provide President Obama and Secretary Clinton with key resources to protect America and improve the lives of millions around the world.

Mr. CONYERS. Mr. speaker, today I rise in strong support of H.R. 1105, The Omnibus Appropriations Act of 2009. This important legislation stands as a marker stone on the path to a sustainable and just economic future. With its passage today, we leave behind the bloated budgets of the past, under which the fiscally fortunate and the manufacturers of unnecessary Cold War weapons disproportionately benefited. With this bill we refocus our priorities with key investments in education, energy, health, and housing. At the same time, we also set the stage for future budgets, in which this Congress and our new President will recommit to pursuing policy priorities that will remake our nation as a society that values an environmentally sustainable economy, social justice, and opportunity for all.

The most critical and wise series of investments made in this bill are in the area of improving access to health care. As this recession deepens, Americans nationwide are losing their healthcare due to no fault of their own. In the 31 days between December 2008 and January 2009, an average of 14,000 people per day lost their health care insurance. This legislation will help mitigate this drop in health security by providing $2.2 billion to community health clinics, $496 million will be appropriated for vaccinations for children, and an added $15 million above FY 2008 funding will be added to train nurses.

Mr. Speaker, this new Congress understands that we must invest in human capital—our children—if we hope to sustain the economic recovery we are embarking upon. H.R. 1105 will ensure that 900,000 children have access to high quality preschool services by appropriating $15 billion for Title I grants to low-income children. The bill will also make college more affordable by expanding Pell grants to $4,360 per year.

Working in concert with the President's foreclosure mitigation program and my cram-down bankruptcy reform, H.R. 1105 will also offer solutions to our housing crisis. It will provide an additional 1.3 million low-income families Section 8 vouchers. Moreover, $765 million will be appropriated to buy, rehabilitate and build housing for low-income and elderly Americans. Lastly, $3.9 billion is allocated for Community Development Block Grants which will fund vital local activities such as creating affordable housing, supporting anti-poverty programs, and ''right-sizing'' cities like Detroit through vacant housing demolition.

During these tough economic times we must resist the temptation to forget the cataclysmic threat posed by global climate change. This omnibus bill keeps us on the path to planetary stability with a $375 million investment dedicated to promoting solar energy and housing stock weatherization. To better understand the science behind this crisis and keep our research up to date, this bill also includes a

$755 million increase from Fiscal Year 2008 for climate change related scientific research. Lastly, $765 million will be used to develop energy generation and storage such as fusion energy and advanced batteries, so that we can move technology from the test lab to the product floor.

Tomorrow, the President will propose a budget for fiscal year 2010 that will move the debate on many of the policies embodied in this legislation to the next level. Instead of merely covering the serious problems our nation faces with band-aid solutions, we will begin to consider end-game legislation that will eventually lead to a world where health care and global warming no longer threaten our families and our way of life. I stand ready to support these efforts, acknowledging that enacting lasting change will be a momentous task, but also knowing that it is necessary and achievable.

But that is tomorrow. Today we act to lessen the pain of the moment—to ease the uncertainly that comes with the opening of a paycheck or the arrival of a hospital bill. I encourage my colleagues to support this bill so that we can begin to move this country towards fiscal recovery.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in reluctant opposition to this bill. While I'm very grateful for the funding items included for my district—items that combat rampant drug abuse, clean up our waterways, and promote economic development for the citizens of southern and eastern Kentucky—I am compelled to evaluate the whole bill before casting my vote.

Because of the runaway and wasteful spending items, continued abuse of the appropriations process for political ends, and misguided policy riders, I cannot compromise my core values, and must oppose this legislation.

First, fiscal discipline. There is no evidence of it here. It was just two weeks ago that this body passed a bloated, trillion-dollar stimulus bill—a wrong-headed piece of legislation that was much more of a down payment on a radical, left-leaning agenda, than the true jolt our struggling economy actually needed.

The omnibus legislation before us today is simply the second act, funding many of the same wasteful programs as before, with no accountability, and represents the largest single increase in domestic spending in 30 years. We are putting our children and grandchildren at perilous risk—borrowing money we don't have, and plunging our country even further into debt. It is not sustainable in the long term, and I fear our actions will only worsen the economic situation our country currently faces.

Secondly, this bill was crafted in secrecy, out of public sight, and five months behind schedule. The bills being considered today, totaling over $410 billion dollars, have never even been considered on the floor of this body until today. They have been crafted and negotiated by staff under the direction of the Speaker of the House without the involvement of the vast majority of Members of Congress. No amendments, virtually no debate, and no public scrutiny. This process has been more dictative than legislative, with the Speaker holding the megaphone.

And finally, this bill is littered with questionable policy riders that are an affront to the conservative principles and family values many of us hold dear. Most alarming to me is the assault on the rights of the unborn—the most vulnerable citizens of our society; $545 million is designated for foreign ''family planning'' clinics, ensuring that overseas abortions will be performed with U.S. taxpayer dollars for the first time in nearly a decade. Even more egregious, the bill reverses long-standing policy, and actually allows U.S. funds to flow to foreign organizations that support coercive abortions and involuntary sterilizations. These provisions, combined with drastic cuts in abstinence education, seem designed to promote an ''abortion first'' policy in this country, and I cannot stand idly by and in good conscience vote for a piece of legislation that does that.

Mr. Speaker, it didn't need to be this way. There was ample opportunity for bipartisanship and enacting sound fiscal policies throughout this process. Instead, we have another flawed bill, crafted under a cloak of darkness.

This body is capable of far better, and I urge Members to oppose this bill.

Mr. POSEY. Mr. Speaker, the Omnibus Appropriations bill before us today provides an 8 percent increase for dozens of federal agencies and departments. These tens of billions of dollars in additional spending are in addition to hundreds of billions of dollars just signed into law by the President last week as a part of the ''stimulus'' bill. Taken together, this amounts to nearly an 80 percent increase in funding for many of the agencies funded in the Omnibus Appropriations bill. Put another way, spending for these agencies will increase from $378 billion in 2008 to nearly $680 billion in 2009. And, all of this increase is ''paid for'' with borrowed money that our children and grandchildren will have to repay. This amounts to generational theft.

Simply put, the American worker isn't getting an 8 percent pay increase each year much less an 80 percent pay increase, and they cannot afford to pay for such expansive government spending.

Are there good provisions in this bill? Yes. Are the objectionable provisions in this bill? Yes. Sadly, no Member of Congress was permitted to offer an amendment to this bill, much less a sufficient amount of time to actually read the bill. The House leadership, which sets the rules of debate, has prohibited any Member of Congress from offering a single amendment. No member of Congress is permitted to rise and ask that even one of the more than 8,000 earmarks in this bill be stricken from the bill.

In just the past four weeks, this Congress has approved over one and one-half trillion dollars in new spending—most of it borrowed money. Sadly, not a single amendment has been permitted to be offered. The Congress is broken and the American people deserve better. We will never get this nation back on track if this Congress continues to consider and approve only legislation written in back rooms at the last minute by only a handful of leaders in the majority. That's not what the American people elected us to do. It is long past due that the legislative process be allowed to work and that all Members of this Congress be afforded the opportunity to truly represent their constituents. True bipartisanship means allowing input from both sides not simply take or leave it dictates.

Mr. HOYER. Mr. Speaker, today, the House can complete its work on the fiscal year 2009 appropriations bills. The omnibus bill we bring to the floor today is the result of collaboration between Democrats and Republicans, and today, my colleagues on both sides of the aisle can vote to fund some of America's most important priorities.

We are at this point today because President Bush's last budget ignored critical investments in our country's future. It shortchanged our military families; it shortchanged police departments across America; it shortchanged our schools and teachers by $3.3 billion; and it shortchanged American workers by cutting job training and worker protections—an especially irresponsible step in a deep recession that was already underway when that budget was submitted.

This bill corrects those oversights. This is legislation designed to confront an economic crisis and geared to mesh with the job-creating recovery legislation we passed this month. It funds worthy programs including research on energy technology and efficiency; investments in healthcare access and K–12 education; new training for Americans who have lost their jobs; and more.

Mr. Speaker, it would be shameful if the families and public servants and scientists and workers on the other side of this bill are shortchanged because of a phony pet issue—a pet issue like earmarks. Railing against earmarks may be a popular partisan crusade here in Washington—but I challenge any Member of this House to go to his or her district and ask the people there if the issue of earmarks is more important than a good-paying job, more important than quality schools, more important than safe communities.

The truth is that it's Democrats, not Republicans, who have reformed the earmark process. We imposed strict accountability and disclosure rules on ourselves—so that the public can see how every dime is spent. We cut earmarks by more than 40 percent last year, and we've cut them again this year. In this bill, we have taken them down to less than 1 percent of the budget. But if someone wants to stand in the way of better schools and healthcare and jobs because they have a problem with less than 1 percent—they can be my guest, and then they can explain it to their voters.

The truth is that getting our fiscal house in order—after years of Republican neglect—is not about earmarks at all. It is going to take hard decisions and hard work. It's the work that began when President Obama called a fiscal responsibility summit at the White House, and when he spoke to us last night in this chamber, as an adult speaking to adults. That is the hard work our country demands, work without partisanship or posturing. And for that job, everyone in this chamber is needed, and welcome.

Mrs. MALONEY. Mr. Speaker, I am pleased to support H.R. 1105, the FY2009 Omnibus Appropriations Act. The $410 billion omnibus bill encompasses nine separate appropriations measures that stalled last year when the Bush administration insisted on preserving severe cuts to health care, education, law enforcement, and other programs contained in its FY 2009 budget proposal. I'm happy that under the Obama administration, we will keep the government running and finish last year's business.

While there are many critical provisions in this legislation, I want to highlight a few issues that are especially important to me and the people of the 14th Congressional District of New York.

The FY2009 Omnibus Appropriations Act includes $277.7 million in federal funding for the Second Avenue Subway and $209.6 million for East Side Access. One of my top priorities since I was first elected to Congress, the Second Avenue Subway will run from 125th Street to lower Manhattan. It will offer a much-needed alternative for commuters and will reach underserved neighborhoods on the East Side. East Side Access will bring the Long Island Rail Road to Grand Central Terminal, carrying approximately 163,000 average weekday boardings.

The bill also contains $70 million in new funding for federal 9/11 health programs. The new funding, combined with $112 million carried over from previous years, would cover the World Trade Center Health Programs' $182 million estimated cost for FY 2009. I thank Mr. OBEY for including this funding to provide much-needed health care for WTC community members and first responders both in New York and across the country.

I am pleased that the legislation also provides a total of $545 million for international family programs—an increase of more than $80 million from the 2008 level. Included in this total is $50 million for the United Nations Population Fund (UNFPA) and its work to improve reproductive health, raise the status of women and improve the quality, safety and availability of contraceptives in nearly 150 countries.

Additionally, I want to thank Chairman OBEY and the committee for including $151,000,000, the fully authorized amount, for the Debbie Smith DNA Backlog Grant Program. I believe that ''The Debbie Smith Act'' is one of the most important anti-crime bills that has ever passed Congress and been signed into law. Today we take another step forward in preventing violence against women by supporting a program that helps to put rapists in prison.

Finally, the bill includes a no-cost, common sense solution that will reduce unintended pregnancies by reinstating access to low-cost birth control at college health centers and safety net providers. Since January 2007, more than 3 million college students and hundreds of thousands of low-income women have lost access to affordable birth control because of a provision in the 2005 Deficit Reduction act which—by all accounts—unintentionally cut off every college and university health center and hundreds of safety-net providers from access to low-cost drugs. The no-cost fix included in this bill will correct this mistake and restore affordable birth control to these populations.

In closing, I want to note that this legislation will work in harmony with the economic recovery package that President Obama has already signed into law by making investments that address the country's immediate needs while investing in our long term economic strength. I'm pleased to support H.R. 1105, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Omnibus Appropriations Act.

The legislation before us today invests in key priorities for our country from energy to education, and will help address critical needs that were ignored under the previous Administration.

In addition to the other important work that this Omnibus Appropriations Act will do alongside the Recovery Act to make our economy stronger, I want to call special attention to the work this legislation will do to respond to the serious drought that we face in California.

The bill before us today provides significant funding for the federal water reclamation and reuse program administered by the U.S. Bureau of Reclamation. That program, known as Title XVI, helps local water managers to treat wastewater and use the clean water that results for commercial irrigation and industrial processes. Under Title XVI, the federal investment in water recycling is matched many times over by monies from state and local agencies, so it's not only environmentally sustainable, it's cost-effective.

The Title XVI funding in today's bill builds on the historic investment in the program that was contained in the American Recovery and Reinvestment Act. I am hopeful that this important program will continue to thrive under President Obama and Secretary Salazar.

In the San Francisco Bay Area, including in Pittsburg in my congressional district, water managers have put together a regional planning effort to invest in water recycling infrastructure. This bill bolsters that regional cooperative effort by providing $8 million for the Bay Area Regional Water Recycling Program. On behalf of my constituents and the communities around our region, I want to sincerely thank Chairman OBEY, Chairman VISCLOSKY, Ranking Members LEWIS and FRELINGHUYSEN, and especially the Committee staff, for their support for this important funding. The funds will quickly create and sustain jobs, and will provide a reliable water supply for local planners and residents.

I look forward to working with the Bureau of Reclamation to ensure that they expeditiously enter into individual agreements with the local implementing agencies so that the Bay Area projects are quickly funded through the Bay Area Clean Water Agencies or its successor. I also know that some of the local water agencies in the Bay Area had to begin their projects before this bill was completed so that they did not lose their state and local funding matches. It is my understanding that the authorized federal funding may be used for reimbursement of construction costs already underway and carried out. As the Bureau works with the local agencies to disburse the funding in this bill, those agreements should provide for reimbursement of the projects' construction costs as necessary.

I strongly support the FY 2009 Omnibus Appropriations Act, and I urge my colleagues to do the same.

Mrs. MALONEY. Mr. Speaker, I am pleased to support H.R. 1105, the FY2009 Omnibus Appropriations Act. The $410 billion omnibus bill encompasses nine separate appropriations measures that stalled last year when the Bush administration insisted on preserving severe cuts to health care, education, law enforcement, and other programs contained in its FY 2009 budget proposal. I'm happy that under the Obama administration, we will keep the government running and finish last year's business.

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In closing, I want to note that this legislation will work in harmony with the economic recovery package that President Obama has already signed into law by making investments that address the country's immediate needs while investing in our long term economic strength. I'm pleased to support H.R. 1105, and I urge my colleagues to do the same.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to express my strong support for the provisions of the Omnibus Appropriations Act that relate to funding the operations and programs of Legislative Branch. I am grateful to my esteemed colleagues on the Legislative Branch Subcommittee, particularly the able Chairwoman Ms. WASSERMAN SCHULTZ, for their hard work and diligence on developing a good bill. There are five provisions that I am especially pleased with: the increase in the Members' Representational Allowance; the increase in Committee Funding; employee benefit parity with the Executive Branch; support

for the Wounded Warrior Program; and the Speaker's Green the Capitol initiative. These are crucially important appropriations that need our support.

An increase in the Members' Representational Allowance is an overdue necessity. As you know, these funds have nothing to do with Members' pay or campaign expenses; they are simply the funds that allow us to do our jobs. It is how our offices, staff, and business travel are paid for. It is how we represent, support, and serve our constituents. Without an adequate increase in the MRA, our ability to serve our constituents diminishes greatly. As more and more of our constituents fall on hard times, we need to be there to serve their needs and interests. Our offices need to be more responsive and more helpful than ever. We need this reasonable and realistic increase to simply fulfill those obligations.

In 2006, the MRA increased only 1.6%, and in 2007, only 2.7%. These changes didn't even account for cost of living increases, making our offices unable to offer competitive salaries. When our offices are not able to offer competitive pay with the private sector, we lose the ability to attract and retain the best and brightest staff. Now, in this time of crisis, this is an expense we cannot spare.

In the spirit of fiscal responsibility, there is a provision in this bill directing unused MRA funds to deficit or debt reduction. This provision not only helps the Members in most dire need of this increase, it grants freedom to those who do not. Members who do not spend the full amount of their funds will help us pay down our national debt. In this bill, no tax dollar is wasted.

I also support the increase in the funds available to Committees. With an aggressive legislative agenda from our leadership and from the Obama administration, the demand on our Committees and their staff is greater now than it has been in generations. We must support their staffing requirements, their investigation costs, and oversight expenses if we want to grapple with the varied and complex challenges confronting our nation.

I am also pleased that this bill creates some parity between the Legislative and Executive branches with regards to employee benefits. I urge support for the improved transit and student loan benefits in this bill.

Another important program supported in this bill is the Wounded Warrior program. It is becoming harder and harder for Americans everywhere seeking employment, and this is especially true for our wounded veterans. The continued support of the Wounded Warrior program fulfills an obligation to those who protect our freedoms, and sets an example for employers across the country.

Finally, I would also like to express my support for funding the Speaker's ''Green the Capitol'' initiative. Not only does this program reduce our carbon footprint, it also creates enormous energy savings. This is the right thing to do for both the environment and the taxpayer. At a time when fiscal responsibility is paramount, it would be irresponsible of us not to support this program.

Each of the provisions mentioned deserves our full support. These are non-partisan issues; both sides of the aisle have the same need to serve their constituents, hire and retain the best people, and improve the operations of the Capitol. I urge my colleagues to join me in support of this bill.

Ms. SCHMIDT. Mr. Speaker, I rise regarding a provision contained in this legislation to carry out the Innovative Technology Loan Guarantee Program at the U.S. Department of Energy.

Congress established the Innovative Technology Loan Guarantee Program in the Energy Policy Act of 2005, and it is my understanding that in order to implement the program the Appropriations Committee was required to include a specific appropriation together with language limiting the kinds of entities eligible to participate in the program. I am concerned that this language has the inadvertent potential of directly impacting an important energy project in my district that is ready to break ground and will potentially employ more than 3,000 people. I ask your support today in working with me and my colleagues in the Ohio delegation to clarify the language so that it will not have the impact of prohibiting this project from going forward.

I would like to thank Chairman VISCLOSKY for his work on this concern. I look forward to working with you to correct this situation.

Mr. VISCLOSKY. Mr. Speaker, I too rise regarding a provision contained in this legislation to carry out the Innovative Technology Loan Guarantee Program at the U.S. Department of Energy.

I would like to thank Congresswoman SCHMIDT for raising a concern regarding the potential of the language implementing the Innovative Technology Loan Guarantee Program having a negative impact on a project already well along in its development. I would be pleased to work with Representative SCHMIDT and her colleagues in the Ohio delegation to address any unintended consequences.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 184, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 8, as follows:

[Roll No. 86]

YEAS—245

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

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cardoza
Carter
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo

Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Speier
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—8

Bachus
Campbell
Cassidy
Frank (MA)
Miller, Gary
Perriello
Rush
Stark

□ 1550

Messrs. HOEKSTRA, ROGERS of Michigan, BLUNT and HILL changed their vote from ''yea'' to ''nay.''

Mr. NEAL of Massachusetts changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I offer a question of the privileges of the House previously noticed.

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

The Clerk read as follows:

Whereas, Roll Call reported on February 9, 2008, that the offices of a prominent lobbying firm had been raided by the FBI in November;

Whereas, The New York Times reported on February 10, 2009, that ''Federal prosecutors are looking into the possibility that a prominent lobbyist may have funneled bogus campaign contributions'' to Members of Congress;

Whereas, the Washington Post reported on February 14, 2009, that they ''examined contributions that were reported as being made by the firm's employees and consultants, and found several people who were not registered lobbyists and did not work for the lobbying firm'';

Whereas, Roll Call reported on February 11, 2009, that ''the defense-appropriations-focused lobbying shop that the FBI raided this November'' had in recent years ''spread millions of campaign contributions to lawmakers'';

Whereas, The Hill reported on February 10, 2009, that the raided firm ''earned more than $14 million in lobbying revenue'' and ''specializes in obtaining earmarks in the defense budget for a long list of clients'';

Whereas, The Hill reported on February 10, 2009, that the 2008 clients of this firm had ''received $299 million worth of earmarks, according to Taxpayers for Common Sense'';

Whereas, CQ Today reported on February 19, 2009, that ''104 House Members got earmarks for projects sought by clients of the firm in the 2008 defense appropriations bills,'' and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas, CQ Today also reported that ''Members who took responsibility for the firm's earmarks in that spending bill have, since 2001, accepted a cumulative $1,815,138 in campaign contributions from the firm's political action committee and employees'';

Whereas, Roll Call reported on February 19, 2009, that a bipartisan group of four Members have made plans to divest themselves of campaign contributions received from the raided firm;

Whereas, Politico reported on February 12, 2009, that ''several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions'';

Whereas, numerous press reports and editorials have alleged several cases of influence peddling between Members of Congress and outside interests seeking Federal funding;

Whereas, such reports and editorials reflect public distrust and have raised inquiries and criticism about the integrity of congressional proceedings and the dignity of the institution; and

Whereas, the House of Representatives should respond to such claims and demonstrate integrity in its proceedings:

Now, therefore, be it *Resolved* That—

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, is instructed to investigate the relationship between earmark requests already made by Members and the source and timing of past campaign contributions.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move to lay the resolution on the table.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 182, answered ''present'' 12, not voting 11, as follows:

[Roll No. 87]

AYES—226

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

NOES—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Himes
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant

McCarthy (CA)	Poe (TX)	Simpson
McCaul	Posey	Smith (NE)
McClintock	Price (GA)	Smith (NJ)
McCotter	Putnam	Smith (TX)
McHenry	Radanovich	Souder
McHugh	Rehberg	Stearns
McKeon	Reichert	Sullivan
McMorris Rodgers	Roe (TN)	Teague
	Rogers (AL)	Terry
McNerney	Rogers (KY)	Thompson (PA)
Mica	Rogers (MI)	Thornberry
Miller (FL)	Rohrabacher	Tiahrt
Miller (MI)	Rooney	Tiberi
Mitchell	Ros-Lehtinen	Turner
Moran (KS)	Roskam	Upton
Myrick	Royce	Walden
Neugebauer	Ryan (WI)	Walz
Nunes	Scalise	Wamp
Olson	Schmidt	Westmoreland
Paul	Schock	Wilson (SC)
Paulsen	Sensenbrenner	Wittman
Pence	Sessions	Wolf
Petri	Shadegg	Young (AK)
Pitts	Shimkus	Young (FL)
Platts	Shuster	

ANSWERED ''PRESENT''—12

Barrett (SC)	Chandler	Hastings (WA)
Bonner	Clay	Lofgren, Zoe
Butterfield	Conaway	Welch
Castor (FL)	Dent	Whitfield

NOT VOTING—11

Bachus	Cooper	Perriello
Boucher	Frank (MA)	Rush
Campbell	Kline (MN)	Stark
Cassidy	Miller, Gary	

□ 1615

Messrs. KISSELL, LEWIS of California, and DOGGETT changed their vote from ''aye'' to ''no.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on February 25, 2009. I missed rollcall votes 86 and 87 while attending a meeting at the White House with President Obama concerning the state of our Nation's economy and financial system. Had I been present, I would have voted ''no'' on rollcall 86 and ''no'' on rollcall 87.

DISCHARGE AND RE-REFERRAL OF HOUSE RESOLUTION 183

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 183 and that the resolution be re-referred to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore (Mr. NYE). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken tomorrow.

EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

Mr. ARCURI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 183) expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 183

Whereas the people of New York have experienced a terrible tragedy with the loss of 50 lives in the crash of Continental Connection Flight 3407 in Clarence Center, New York, on February 12, 2009;

Whereas many of the victims of the crash were residents of New York, particularly of the close-knit Western New York community; and

Whereas Federal, State, and local officials have cooperated to respond to the emergency, investigate the accident, and provide assistance to families devastated by the loss of loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407;

(2) honors those who lost their lives, including David Borner, Linda Davidson, Ronald Davidson, Alison Des Forges, Beverly Eckert, John J. Fiore, Ronald Gonzalez, Brad S. Green, Sr., Zhaofang Guo, Kevin Johnston, Ellyce Kausner, Goerges Karm, Nicole Korczykowski, Jerome Krasuski, Brian Kuklewicz, Beth Kushner, Madeline Loftus, Lorin Maurer, Donald McDonald, Coleman Mellett, Dawn Monachino, Jennifer Neill, Gerry Niewood, Johnathan Perry, Mary E. Pettys, Donna Prisco, Matilda Quintero, Marvin Renslow, Julie M. Ries, John G. Roberts III, Kristin Safran, Rebecca Shaw, Ms. Jean Marie Srnecz, Darren Tolsma, Susan Wehle, Ernest W. West, Douglas Wielinski, Shibin Yao, Clay Yarber, and Joseph Zuffoletto, as well as 10 others;

(3) expresses sympathies to the people of Clarence Center, the entire State of New York, and the Nation who grieve for the victims;

(4) commends the heroic actions of the first responders, emergency services personnel, and air traffic controllers; and

(5) commends the hundreds of volunteers who worked together to respond to the tragedy with tremendous courage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ARCURI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 183.

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

There was no objection.

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

I want to express my deepest sympathies to the families who lost loved ones in the tragic crash of Continental Connection Flight 3407. I can say, as an upstate New Yorker and as an American, the families and friends of those who were lost are in our thoughts and in our prayers.

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

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

I rise in very strong support of this resolution today that's being introduced by my colleague from New York, Mr. CHRIS LEE. This resolution, House Resolution 183, expresses condolences to the families, friends and loved ones of the victims of the February 12, 2009, accident of Flight 3407 which took place in Clarence Center, New York.

There were 50 people on board Flight 3407, including passengers and crew. Sadly, all lives were lost. Our sympathy goes out to the victims and to each and every one of their families, friends and loved ones.

Losing a loved one is tragic, but the loss is compounded when it's as the result of an unfortunate and unforeseen situation. I'm hopeful that this resolution will, in some small way, comfort the families and friends of all of those who lost their lives on Flight 3407.

I also want to thank the first responders and those who are providing support and assistance to the families of the victims. Their efforts are appreciated.

The National Transportation Safety Board is thoroughly investigating every aspect of this accident. The Board is responsible for determining the circumstances and cause of this accident, and they will report back to Congress. In the meantime, I want to assure the families, the public, the Members of Congress, that those charged with the investigation of this tragedy will not rest until the cause of this aviation accident has been determined. The loss of even one life in an aviation accident is unacceptable, but the American public should know that our commercial airlines today are both safe and reliable.

The National Airspace System handles almost 50,000 flights per day and more than 7 million passengers annually. Since 2007, the commercial airline industry has maintained the lowest fatality accident rate in commercial aviation history. Up until this accident, the FAA reported no on-board fatalities in passenger operations in the past 2 years and now approaching almost 3 years with about 1.6 billion people transported during that period.

Despite the amazing safety record, I wish we lived in a world where we could eliminate all accidents and risks. While I don't believe that we can do

that, I do believe that we can continue to work as effectively as possible to do everything we can to avoid these types of accidents in the future.

Again, I want to express my condolences to the families, friends, and loved ones of the victims on board Flight 3407, and also to Mr. CHRIS LEE, my distinguished colleague from New York, and his constituents.

I yield to my colleague from New York (Mr. LEE) such time as he may consume.

Mr. LEE of New York. Mr. Speaker, I thank the gentleman for yielding and appreciate the support from our State delegation, many of whom cosponsored this resolution.

I especially want to thank Mr. HIGGINS and Ms. SLAUGHTER who have exhibited untiring leadership in offering assistance in the days since this tragedy has struck.

The night of Thursday, February 12, was going along like any other winter evening in the small town of Clarence. Clarence is located less than 20 miles from the city of Buffalo. At the home of the Wielinski family, 22-year-old Jill was watching television with her mother Karen, while her father, Doug, was in the dining room doing some housework. It was at that moment that Continental Flight 3407 carrying 49 passengers and crew struck the Wielinski home, taking Doug's life. All on board the plane were lost.

Each and every soul is a significant loss to our community. Among them: a prominent human rights activist; a September 11th widow; a retired Air Force reservist; an accomplished jazz guitarist; the cantor at a Williamsville temple; the director of a youth service program; a program manager for Northrop Grumman; a nurse at Westfield Memorial Hospital; a second-year law student; the daughter of a Holocaust survivor; a Vietnam veteran with two Purple Hearts; and lastly, a personal friend who was expecting the birth of her first child due at the end of May.

At that moment about a quarter mile away, Clarence Center Fire Chief David Case was also having a quiet evening at home when he heard on his radio that a plane had crashed and struck a house nearby. Chief Case was one of the first to arrive on the scene that night, but by no means was he by himself. Volunteers from throughout Clarence were assisted by crews from Newstead, Akron, Harris Hill, Rapids, East Amherst, Swormville, Amherst, Millgrove, Bowmansville, the Village of Lancaster, Brighton, and the Buffalo Niagara International Airport's Aircraft Rescue Firefighter unit.

Their efforts were supported by hundreds of volunteers who gave their time and energy to support the first responders and the families of the victims.

Last night, Chief Case sat in this very gallery just a handful of rows away from the First Lady as the President of the United States addressed Congress on the state of our Nation. Chief Case did not come here to accept the salutations normally afforded everyday heroes among us. He said he came ''only to be a representative of the men and women of Clarence Center Fire Company and all of the first responders.''

To those first responders and all of the volunteers, I simply want to say thank you.

Chief Case was indeed a fitting representative for a small and proud town that just last year celebrated its bicentennial. Clarence is where my wife and I chose to make our home, and it is where my 3-year-old son will grow up; and I hope that he, in turn, raises a family there as well.

Since the night of this accident, we have been posting on our Web site messages from families of the victims. Thoughts and prayers have come in from all around the country. One message we received was from Holly Henderson, a Clarence resident, and it reads:

''I'm a Clarence resident and a frequent traveler. I thank all of those who were deeply concerned for me, my family and neighbors and ask that they continue to pray for the souls whose lives ended in such tragedy. It is awesome to see how the community has put up ribbons and have come together in this time of crisis. It confirms why I moved back to this area after being gone for so long and feel very proud to be part of this great community in western New York where the people are truly the best in the world.''

Of course, this resolution is not nearly tribute enough to the memories of the victims and the courage of their families, and the echoes of the shock and grief we felt that long Thursday night are still with us. We can find comfort in the fact that even in tough times like these, families and communities come together, rally around one another and do whatever they can to help those in need.

Again, I thank the members of our delegation for their support and for this resolution.

Mr. PETRI. Mr. Speaker, I have no further requests for time, I urge all Members to support the resolution before us, and I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from Clarence for his leadership in bringing this resolution, and also I'd like to thank him for the courage that he showed. As soon as this happened, he immediately recognized where his duty was, and that was to be home in Clarence, and he immediately headed home to be there to help to show leadership, to show his constituents where his priorities were; and that was at home where he was needed most.

□ 1630

So I thank him for what he has done. Clearly, this has been a shock to his community and to the entire country. Certainly, while the whole country has felt it, no one has felt it more than western New York.

I would like to yield 3 minutes to my colleague from western New York (Mr. HIGGINS).

Mr. HIGGINS. Thank you, Mr. ARCURI. I, too, want to join you in commending our colleague, CHRIS LEE, for going back to assist in the recovery effort. I spent time with the Congressman on Saturday, where we toured the site with several other officials.

Mr. Speaker, I ask that you and our colleagues join me in offering sincere condolences to the families who lost loved ones in the crash of Flight 3407.

What was for many to be a joyous reuniting of family and friends became a time of unspeakable grief and sorrow. An ordinary evening in a home in a suburban Buffalo neighborhood became a family's tragic nightmare.

The victims of this tragedy need our support and empathy during this difficult time in their lives. My community has demonstrated great strength and compassion as it mourns the loss of 50 lives of those loved ones, many of whom were vibrant members of the western New York community.

Our community's response has included professional and spiritual counseling, as well as donated meals and thousands of letters offering sympathy and support. The families will undoubtedly experience difficulty and sadness in the days ahead, but I am confident that the loving embrace of the western New York community will continue to comfort and sustain them.

Mr. Speaker, I also ask that you join me in thanking the first responders, including many police and firefighting agencies, who worked through the night and each succeeding day in the recovery effort. Their work is an ineffably beautiful tribute to the decency of the human spirit and to their professionalism. They deserve our respect, our admiration, and our deepest gratitude.

Mr. Speaker, this tragedy and the loss to the Buffalo community is profound, but the love and support of our community is much greater. I am thankful to those dedicated individuals who responded to this disaster and to those who are offering counseling and support to the families and workers still trying to come to grips with this terrible tragedy.

We will never forget those we lost that night. I am pleased to join my colleague, CHRIS LEE, in offering support to all of those who knew them and who loved them. I thank CHRIS LEE for bringing this resolution to the floor.

Mr. ARCURI. Mr. Speaker, I would just like to again thank my colleague, Mr. LEE, for his leadership on this bill. And I would urge a ''yes'' vote on this resolution.

Ms. SLAUGHTER. Mr. Speaker, less than two weeks ago we learned about a terrible accident in Clarence, New York, a few miles outside of Buffalo.

Our worst fears were confirmed when it was reported that many lives were lost.

I know that the pain of the families and friends who lost loved ones on Continental Connection Flight 3407 is immeasurable. My prayers are with them today and always.

An accident like this is always a tragedy but when it happens so close to your home, it is particularly devastating.

In Western New York we take care of each other.

After the accident, first responders and ordinary citizens rushed to the scene to do their best to save lives.

They are heroes to us for their tremendous efforts.

As we grieve and pay tribute to those we have lost, I stand in unity with my colleagues, state, and local officials, to continue assisting our community during this difficult time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 183, which expresses sympathy to those who lost family, friends, and loved ones in the tragic crash of Continental Connection Flight 3407. The lives of all 49 passengers and crew on the flight were lost on February 12, 2009, when Flight 3407 crashed in Clarence Center, New York, about 5 miles outside of Buffalo. The plane crashed into a house on the ground, killing one person inside as well.

The Bombardier Dash 8 Q400 was en route from Newark liberty International Airport and it had begun its descent into Buffalo Niagara International Airport. The flight was operated by Colgan Air. The flight data recorder and cockpit voice recorder that were recovered from the crash reveal that the plane underwent severe changes in pitch at about 1,600 feet above ground level before it crashed.

Emergency personnel responded to the scene immediately after the crash to quell the fire and contain the accident scene. The National Transportation Safety Board also responded, sending investigators to the site to conduct an in-depth investigation. Not much is known for sure at this point. It is known that the plane was flying in icing conditions, on autopilot with the de-icing system activated. The NTSB investigation will likely explore many issues, such as icing, pilot training and procedures, and aircraft design. The Committee on Transportation and Infrastructure will watch the investigation as it unfolds with keen interest.

This accident, along with other recent aviation safety events, underscores the importance of not lowering our guard on aviation safety. It is unfortunate that this tragic event occurred. I hope that the findings of the investigation will lead to further improvements in aviation safety that will prevent this type of disaster from occurring again.

I thank the gentleman from New York, Mr. LEE, for bringing H. Res. 183 to the floor, and my sympathies go out to the people of your district. I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ARCURI) that the House suspend the rules and agree to the resolution, H. Res. 183.

The question was taken.

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

Mr. ARCURI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FEDERAL RESERVE IS THE CULPRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the Federal Reserve is the culprit; it has delivered this crisis to us. The Federal Reserve's low interest rate policy is a big mistake; it is not a panacea.

Artificially low interest rates are achieved by inflating the money supply. Low interest rates penalize the thrifty, and those who save are cheated. It promotes consumption and borrowing over savings and investing. Manipulating interest rates is an immoral act, it is economically destructive. The policy of artificially low interest rates caused our problems and, therefore, cannot be the solution.

The market rate of interest is crucial information for the smooth operation of the economy. A central bank setting interest rates is price fixing and is a form of central economic planning. Price fixing is a tool of socialists and destroys production.

Central bankers, politicians and bureaucrats can't know what the proper rate should be. They lack the knowledge and are deceived by their aggrandizement. Manipulating the money supply and interest rates rejects all the principles of the free market.

Ironically, free markets and sound money generates low rates, but unlike the artificially low rates orchestrated by the Fed, the information conveyed is beneficial to investors and savers.

The Congress, by conceding this authority, conveys extraordinary economic powers to the elite few. This is a power that has been abused throughout history. Only the Federal Reserve can inflate the currency, creating new money and credit out of thin area, in secrecy, without oversight or supervision.

Inflation facilitates deficits, needless wars, and excessive welfare spending. Debasing a currency is counterfeiting. It steals value from every dollar earned or saved. It robs the people and makes them poorer. It is the enemy of the working person.

Inflation is the most vicious and regressive of all forms of taxation. It transfers wealth from the middle class to the privileged rich.

The economic chaos that results from a policy of central bank inflation inevitably leads to political instability and violence. It is an ancient tool of all authoritarians.

Inflating is never a benefit to freedom-loving people. It destroys prosperity and feeds the fires of war. It is responsible for recessions and depressions. It is deceptive, addictive, and causes delusions of grandeur with regards to wealth and knowledge.

Wealth cannot be achieved by creating money by fiat. It instead destroys wealth and it rewards the special interests. Depending on monetary fraud for national prosperity or a reversal of our downward spiral is riskier than depending on the lottery.

Inflation has been used to pay for all the wars and empires, and they all end badly. Inflationism and corporatism engenders protectionism and trade wars. It prompts scapegoating; blaming foreigners, illegal immigrants, ethnic minorities, and too often freedom itself for the predictable events and suffering that results. Besides, the whole process is unconstitutional. There is no legal authority to operate such a monetary system. So let's stop it. Let us restore a policy of prosperity, peace and liberty. The time has come. Let's end the Fed.

CONGRATULATING JOYCE BEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HARE) is recognized for 5 minutes.

Mr. HARE. Mr. Speaker, last week, in Galesburg, Illinois, I held a town hall meeting to discuss the economic recovery package. While I was there, I told a standing-room-only crowd that Joyce Bean, who manages my Galesburg office, was retiring after 26 years of service to the 17th Congressional District. Joyce received a standing ovation. That one moment captured just how much the people of Galesburg, Knox County, and the 17th Congressional District and I appreciate her service.

Joyce has spent her entire career giving to others. As a member of the Communication Workers of America, the United Way of Knox County, and a longtime staffer to my predecessor, Congressman Lane Evans, she made a lasting impact on so many people's lives.

Upon receiving a prestigious community service award from the United

Way in 1986, Joyce was called ''one of those rare phenomena that comes along only once in a lifetime.'' Joyce helped provide Christmas presents for needy children, acquired an acre of land for local Boy Scouts, and organized the area's first recycling drive, just to name a few. She was the first woman to become a United Way President in Galesburg, Illinois. Through her leadership, she has inspired others to answer the call of service.

When Maytag Corporation shut its doors in 2004, she was the first person to offer displaced workers the helping hand they so desperately needed. And as a member of my staff, she has assisted local families with everything from retirement security to workers rights, and even going to bat for them with our friends at the Internal Revenue Service.

For her service to the labor movement, the city of Galesburg, the 17th Congressional District, and our entire Nation, I salute her. Joyce, congratulations on your retirement. You will be missed not just by the staff, not just by me, but the entire people of the 17th District.

Once again, Joyce, congratulations, and best of luck on your retirement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LET'S IMPLEMENT SOLUTIONS THAT PRODUCE RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas (Ms. JENKINS) is recognized for 5 minutes.

Ms. JENKINS. I know many Americans are struggling to pay their monthly mortgage payments. Unemployment is on the rise, yet more than 90 percent of homeowners are still able to scrimp and save enough each month to pay their mortgage.

Congress and government agencies have thrown billions at this crisis, yet we have little to show for it. And President Obama even said in his speech last night that the recovery plans will require significant additional resources from the Federal Government, probably more than what is already set aside. He left the door open to come back and ask for more taxpayer dollars to bail out the bad decisions of others, yet we have seen little positive impact from the initial expenditure.

Congress should not be in the business of rewarding bad actors, and I'm concerned that is exactly what H.R. 1106, the Helping Families Save Their Homes Act of 2009, and the President's plan for the housing crisis will do.

One piece of H.R. 1106 is a cram-down proposal. While the goal of the proposal may be admirable, when we see re-default rates of 55 percent within only 6 months, is that really solving the problem?

Lenders from the Second District in Kansas have told me this cram-down proposal may force an increase in interest rates. How does this increased borrowing cost benefit that young married couple looking to buy their first home? Not to mention, as I read in Business Week yesterday, many times loan modifications can result in higher monthly payments.

I understand exactly the sentiments shared with me by my constituent, Craig Grable from Wathena, Kansas. He sent me a letter telling me he pays his mortgage on time each month. He is angry that folks who have bought houses they could not afford are being rewarded by those housing plans.

□ 1645

He said, ''If the market recovers and he sells that home for a profit, he basically is keeping my tax dollars, and that is not right.''

Folks around the country like Craig who made their payments on time should not have to pay for the risky loans made by irresponsible lenders and speculators who got into loans they could not afford. At a minimum before anyone is given government assistance on their mortgage, there needs to be a clear set of eligibility standards including income verification, proof the borrower has not intentionally defaulted on the mortgage in order to benefit from government assistance, and assurances that the Federal Government is not subsidizing vacation homes.

Craig ended his letter to me saying, ''This nonsense has to stop.'' And I agree. Action without results is futile. Let us implement solutions that produce results.

IT'S TIME TO TALK TO IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to speak about the urgent need for the United States to begin direct talks with Iran about its nuclear program.

Time is of the essence. The United Nations reported last week that Iran has more enriched uranium than the world knew and is now capable of building an atomic bomb if it continues with its enrichment program. Iran also recently put a satellite into orbit showing that it has the ballistic missile capacity to deliver a nuclear weapon against an enemy.

The Iranians insist that their nuclear program is for peaceful domestic purposes only, but their nuclear program has raised fears in the Middle East and made that region an even more unstable and dangerous place.

Mr. Speaker, Iran's advanced nuclear program shows that the Bush administration's policy of refusing to talk was a dismal failure. It called Iran part of the ''Axis of Evil.'' Then for nearly 8 years the Bush administration's approach consisted of saber-rattling and threats of war, and look where that's gotten us. Absolutely nowhere.

As someone who strongly opposes nuclear proliferation, I urge that we launch a vigorous diplomatic effort aimed at getting Iran to behave more responsibly. We must begin that effort immediately before their nuclear program gets even more advanced. In the days ahead, we can look for every possible opening to begin face-to-face talks.

This diplomatic effort must include a strong partnership with the international community. The U.N. Security Council, for example, has demanded that Iran suspend its uranium enrichment program. So we must work with the members of the Council to put peaceful pressure on Iran to do just that.

I think that President Obama described the situation best last August when he said, ''My job as President would be to try to make sure that we are tightening the screws diplomatically on Iran and that we have mobilized the world community to go after their program in a very serious way.''

So, Mr. Speaker, the President followed up on that, as we know, on his first day in office. In an interview with an Arabic language television station, he said, ''If countries like Iran are willing to unclench their fist, they will find an extended hand from us.'' This received a positive response from President Ahmadinejad, who said that Iran was ready for ''talks based on mutual respect.'' Who knows what he really meant, but I think we should take him up on this, call his bluff. Let's test him to see if he was serious. As Secretary of State Hillary Clinton has said, ''We won't know what we're capable of achieving with Iran until we're actually there working on it.''

Mr. Speaker, Iran is currently suffering from tough economic times, high inflation and international isolation. It is also threatening its people miserably. We could take advantage of Iran's problems by offering incentives and help with their problems if they agree to pull the plug on their nuclear ambitions.

During the past administration, there was a great deal of talk about bombing Iran's nuclear facilities, but we all know that would have led us into another disastrous war in the Middle East, and thank heavens we did not do that. But refusing to engage with Iran hasn't worked so far. It's time for a new policy that stresses international cooperation, conflict resolution, and humanitarian assistance.

With President Obama's leadership and willingness to talk and Secretary of State Hillary Clinton's abilities, we can push the restart button, the restart button on our relations with Iran. We

must now seize every single opportunity to do so because it appears time might be running out.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON H.R. 1105, THE OMNIBUS SPENDING BILL, AND THE NEEDS TO PROTECT PRIVATE PROPERTY AND PROMOTE FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, last night Members on both sides of the aisle rose repeatedly and applauded the remarks of President Obama, who called upon the American people to show their resilience that they have on so many occasions in the past to rise above the difficulties that we face and to lead our country out of this serious economic crisis.

However, today in the light of day, this Congress has taken a very, very different approach to try to solve those problems: the big government approach.

Today, during the debate on the omnibus spending bill, I had planned to offer an amendment. My amendment would have protected the private property rights of citizens and also highlighted the philosophical differences between the Democrat majority and the Republicans. I would note that not a single amendment was made in order as a result of the vote on this nearly $500 billion spending package. Apparently, the majority believes that government knows best and the leadership of their party in this Congress are the only ones who know best how to dole out Americans' hard-earned money and property and they have no qualms about robbing Peter to pay Paul. Despite the lip service the majority gives about the spirit of the American people, the majority's policies clearly demonstrate that they believe something quite different, that the people cannot be trusted to make the best use of their own money and property nor can they be trusted to turn our economy around.

Republicans actually believe in the American people, and they have put their policies where their mouths are. Republicans unabashedly believe that Americans know best how to control their own money and have advocated for targeted tax relief to individuals and small businesses to help the economy by putting money back into the hands of Americans.

In addition, Republicans believe that the right of private property is a fundamental right that the founders of this Nation consciously sought to protect from overly zealous government bureaucrats. The need for private property protections is especially important in trying times like these when politicians get the idea that they know best the uses for Americans' money and property.

I have sponsored legislation to protect private property from aggressive government use of eminent domain powers, and that is what the amendment I offered at the Rules Committee to the omnibus spending measure would have done. My amendment would have prevented funds in this gigantic spending bill from being used to seize private property from one person to give to another. This seems simple enough, but the majority decided to block this amendment, which would have prevented the use of any of the funds in this massive nearly $500 billion spending measure from being used for that purpose, to take people's property for private economic development purposes. But the majority decided to block the amendment and not allow a vote on the House floor. In fact, the vote to stifle debate on this amendment occurred on a purely partisan basis in the Rules Committee.

It seems clear that the majority's solution to the current economic crisis is to spend other people's money. The truth is that we are beginning to see the results that this laboratory of big government spending is producing, and it is no surprise that the results are dismal. The government simply cannot operate as efficiently nor adapt as quickly as individuals and entrepreneurs.

The likely response by the government to its own failure will be more spending, as is evident from the trillion dollar stimulus package that Congress passed 2 weeks ago as well as the nearly half trillion dollar omnibus spending bill we voted on today. There is no end in sight to the unprecedented levels of spending we are witnessing, and that is precisely why we should draw a very clear line now.

House Republicans believe that instead of spending ease, we need a spending freeze. We may now see a budget deficit of $3 trillion this year alone. That's $3 trillion. Divide that by the 300 million people in the United States, and it's nearly $10,000 for each person in the country that the government will spend more than the government will take in, $10,000 per person more that will be spent on all these massive government programs than the government will take in. This is beyond unacceptable. We need reform, and it is clear that Congress must have this reform forced upon it.

That's why over 160 bipartisan cosponsors have joined me in an attempt to force the Federal Government to rein in spending and eliminate the deficit by amending the Constitution to require it. Earlier this year I introduced a balanced budget constitutional amendment, House Joint Resolution 1. This legislation has already garnered over 160 bipartisan cosponsors, and it requires that total Federal outlays cannot exceed total revenues. We'd have 5 years to bring this into line.

It is time we started the process of reforming the way this government spends money.

This is a simple concept but one that is lost on a congress determined to put political considerations above the common good. Simply put, this constitutional amendment would bind the hands of congress by cutting up its credit cards.

The time to act is now, and if President Obama is serious about his call to rein in spending, then he should join in our call for a balanced budget constitutional amendment to force the Federal Government to do so.

HONORING STAFF SERGEANT JUSTIN BAUER AND HIS WIFE, KARI BAUER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. KISSELL) is recognized for 5 minutes.

Mr. KISSELL. Mr. Speaker, I rise today to offer a tribute to Staff Sergeant Justin Bauer and his wife, Kari.

Staff Sergeant Bauer and his wife, Kari, were both from the State of Colorado. Staff Sergeant Bauer joined the Army and was assigned to the 82nd Airborne and stationed in Fort Bragg, North Carolina. Sergeant Bauer and his wife lived in my district, the Eighth District of North Carolina.

By the words of the sergeant's co-soldiers, he was a leader extraordinaire. He was a noncommissioned officer that exemplified what was meant to be in the leadership role of being a noncommissioned officer. His soldiers looked to him as a friend and a leader and, by all accounts, was an outstanding soldier in our Army.

I bring Sergeant Bauer's attention to the floor, Mr. Speaker, because Sergeant Bauer died in service to his country on January 10 in Iraq. He was a person that accepted the risk of his profession. His wife, Kari, accepted the risk of being a military spouse. And I simply want to honor his memory but not dramatize his memory because that would not be fitting to the soldiers that represent our great Nation.

And by honoring the sergeant and his wife, Kari, I also want to extend that honor to all of our military personnel that serve this Nation knowing the sacrifices that they make and that they may be asked to make the ultimate sacrifice and are willing to do that, for this is part of their job. They accept that.

Today I have a letter that I want to present as part of the CONGRESSIONAL RECORD that we will be sending to Kari. But in this honoring of Justin Bauer and his wife, I also want to honor all of the military that serve this Nation and their families that make up the heart and soul of our Nation's spirit.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2009.

Mrs. KARI BAUER,
Moss Court,
Fayetteville, NC.

DEAR MRS. BAUER: I wish to once again convey my deepest condolences for the loss of your husband, Staff Sergeant Justin Bauer. My entire congressional staff also joins me at this time in sending our deepest sympathies and understanding during this period of bereavement.

Staff Sergeant Bauer served his country and the American people in the most honorable of ways. Staff Sergeant Bauer's absolute selfless service, professionalism and loyalty to country will continue to serve as the pinnacle for which we will continue to honor his service to our great nation. His leadership and ''high regard'' as viewed by his fellow Soldiers were so strongly conveyed to me in the words spoken at the memorial service.

I hope that time and memories will help lessen the burden of your sorrow, and that you may draw some measure of comfort knowing that others care and share in your loss. Please know that we have shared in your pain and sorrow and pay our final respects to undoubtedly one of our nation's best. If I can be of any assistance please contact my Washington, D.C. Office at (202) 225–3715 or in Fayetteville (910)–920–2070.

I also wanted you to know that I went on the floor of the U.S. House of Representatives today to offer my appreciation for the sacrifice that your husband made, the loss you endured. And that the two of you represent why our military and our military families are the heart and soul of our country. Thanks again to you and Justin.

Sincerely,

LARRY KISSELL,
Member of Congress.

□ 1700

WE NEED TO FOCUS ON OUR TRADE DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last night, President Obama said that in this time of economic insecurity, America must avoid the possibility of protectionism. My friends, where are the fearsome red-herring protectionists?

We all believe in free trade so long as it is fair trade, and I believe most of all in free trade among free people. Our Nation boasts the most open markets in the world, but one must recognize that America hasn't had a balanced trade account since 1975, yes, 1975.

That's 34 years of regression on the jobs and trade front, 34 years of wandering in the wilderness, 34 years of deluges of imports dwarfing our exports, 34 years of outsourcing our good jobs by the millions. Thousands of America's best companies have been sacrificed, Maytag, Trico, Playtex, Levis, Zenith, Georgia-Pacific, Champion Spark Plug. The list is endless.

Now we are watching major segments of our banking system disintegrate while we buy foreign televisions, foreign clothing, foreign automobiles, foreign food, all while our beautiful Nation begs China, undemocratic China, for money.

It's pretty clear we need to focus on our trade deficits as a causal factor in our other deficits. The human and economic tragedies continue to mount. The massive hemorrhage of U.S. wealth instructs us in its raw truth. So-called free trade agreements began in 1975. Back then we had a surplus of $12.4 billion in goods with the world. We have now sunk in 2008 to $677 billion in trade deficit, three-quarters of a trillion dollars, and all the lost jobs that go with it just disappear.

The evidence is all around us. Americans are working harder each year, increasing their productivity but then seeing no increased wages. More lost purchasing power, the dollar isn't worth as much. Their health and pension benefits, disappearing. This is not a recipe for a healthy economy, a strong nation or a middle class.

The challenge is trade is not a zero sum game. Other nations don't play by the same rules. Other nations manage their markets. Other nations manipulate their currency. Other nations aren't democratic and they have no rule of law.

Let's look at the raw facts, as ignoring our trade deficits won't help our Nation crawl out of our deep economic hole. Let's stop digging and start crawling out.

When you focus over a quarter of a century on more outsourcing of jobs and importing goods than on exporting goods and creating jobs here, our country ends up indebted and we are indebted to China, indebted to Mexico, indebted to Japan and all the other creditors who will be knocking on our grandchildren's doors.

When you conduct two wars and don't pay for them, you make it even worse. But not to recognize those two deficits, the trade deficit as well as the budget deficit, is to live in a world of delusion.

In 2008, our largest trade deficit was in oil with countries in the Middle East, and the bottom line is that that trade advantages them, not us.

If you look at overall trade between the United States, Canada and Mexico, that's governed by NAFTA, the North American Free Trade Agreement. We are now at record imports from both countries, not exports, record imports, $74.2 billion in the red with Canada last year and $63.5 billion in the red with Mexico.

The same is true with Communist China, where we are in a $266 billion deficit, a record high. Japan is no different, $72.6 billion there.

The top trade gap we continue to face is imported oil. Overall, the U.S. imported 3.6 billion barrels of crude oil in 2008 worth $342 billion, our chief strategic vulnerability.

Unemployment continues to rise nationally, over 7.2 percent, and in districts like mine and many counties over 12.5 percent. Dr. Peter Morici of the University of Maryland has written, ''Lost growth is cumulative. Thanks to the record trade deficits accumulated over the last 10 years, the U.S. economy is about $1.5 trillion smaller. This comes out to about $10,000 per worker,'' and every American middle class family feels it.

How are we going to change this, Mr. President? America needs balanced trade accounts, not delusion. We need open markets, not closed markets. We need a rule of law, not undemocratic practices. We need realism, not delusion.

HONORING STAFF SERGEANT MARC J. SMALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise today to honor a young American hero who has given his all in service to our Nation, a 1970 graduate of Methacton High School, Marc Small of Collegeville, Pennsylvania. He represented the very best of our community and country when he decided in 2003 to follow in the patriotic footsteps of his father, Sergeant Major Murray Small, U.S. Army, Retired, and he enlisted in our U.S. Army.

As importantly, in following his mother's compassionate and caring nature, he chose to become a medic with the Army Special Forces to assume the responsibilities of caring for his comrades in arms as well as some of the poorest people on this earth. As testament to his intelligence, motivation and courage, in less than 5 years this remarkable young man quickly rose to the rank of staff sergeant, learned the invaluable skills necessary to heal soldiers and civilians and earned the extraordinary honor of wearing the treasured ''Green Beret.''

Tragically, on February 12, 2009, at Faramuz, Afghanistan, Staff Sergeant Marc J. Small, of the 1st Battalion, 3rd Special Forces Group (Airborne) U.S. Army, succumbed to wounds sustained in combat. Before his life was cut short, this young warrior had treated hundreds of Afghani civilians and in the process displayed the very best of the American spirit and character.

By the loss of Staff Sergeant Marc J. Small we are a much lesser Nation and community, but only for the briefest of periods. Because given the very special nature of this healer and warrior, I am certain that from this tragedy other young men and women will be inspired by the heroism and selflessness of Staff Sergeant Small. From their skills, valor and compassion, the best traditions of our Nation will live on, as they must, for this world remains a very challenging place, and the need for our Nation to tend to the needs of poor and oppressed in many remote regions of the world is great.

Mr. Speaker, I ask that we take a moment to reflect on the service Staff Sergeant Marc Small has made on our

behalf in making so much possible. We thank his mother, Mary MacFarland; his father, Sergeant Major Murray Small, U.S. Army, Retired; his stepfather, Peter MacFarland; his stepmother, Karen Small; his brother, Matt; sisters Heather MacFarland Wellock, Jennifer MacFarland and Megan MacFarland; stepbrothers Travis and Tyler Baney; and Amanda Charney, who Marc Small very deeply loved.

I join all of the constituents of Pennsylvania's Seventh Congressional District and good Americans everywhere when I pledge that the service and sacrifice of Staff Sergeant Marc J. Small, U.S. Army, will always be remembered and forever honored.

SECRETARY CLINTON'S SILENCE IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, today the State Department released its annual Human Rights Report, an exhaustive report which documents the human rights abuses of countries worldwide.

The report highlights several disturbing global trends in the area of human rights and goes on to say that these trends ''confirm the continuing need for vigorous United States diplomacy to act and speak out,'' and, yet, America's leading diplomat, Secretary of State Clinton, could not find it in herself to publicly press the Chinese Government on their human rights abuses during her recent visit.

Which begs the question, has the situation improved so dramatically so as to justify relegating human rights to the back burner? Was last year a banner year for the Chinese Government marked by tremendous reforms and greater freedom? Has a new day dawned for the people of China? The answer is no. We need look no further than the State Department's own report that came out today that says such notions could not be further from the truth and would be laughable if the reality of the situation wasn't so sobering.

A few excerpts from the report:

''The Government of China's human rights record remained poor and worsened in some areas. The government . . . tightly controlled freedom of speech, the press (including the Internet), assembly, movement and association.''

''Authorities committed extrajudicial killings and torture, coerced confessions of prisoners, and used forced labor. In addition, the Chinese government increased detention and harassment of dissidents.''

For people of faith, the situation was especially grim:

''Authorities disrupted church meetings and retreats; detained, beat, and harassed church leaders and church members.''

''Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions.''

This is the State Department's report that came out today.

For North Korean refugees the report had this to say:

''Authorities stepped up efforts to locate, detain, and forcibly return North Koreans to North Korea,'' basically gulags where they will be persecuted.

On forced labor it said: ''Forced labor remained a serious problem,'' and on and on. I am running because of the time.

For Tibet, here is what the report said:

''The government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention,'' and then it goes on with much others.

The list goes on. I marvel that there can be such a disconnect between the systematic documented abuses of the Chinese government, the importance, as stated in the report, of the U.S. Government speaking out on behalf of those living under repression and the shocking silence of Secretary Clinton. The Chinese Government could barely contain their excitement about Secretary Clinton's silence.

AP reported that ''China gave U.S. Secretary of State Hillary Rodham Clinton a glowing review.'' No wonder they gave her a glowing review because she didn't say anything following her weekend visit, during which she steered clear of human rights issues.

China doesn't want our Secretary to speak on human rights, but that's the very reason why they should speak out on human rights.

In fact, Mr. Speaker, silence in itself is a message, not just to the Chinese Government but to the Chinese people whose struggles are outlined in grim details.

Martin Luther King said, and I quote, ''In the end, we will remember not the words of our enemies, but the silence of our friends.'' For the Secretary of State to be silent on the issue of persecution in China, where there can be a number, can you imagine, Mr. Speaker, how a Catholic bishop, or a Buddhist monk or a Protestant pastor or a Muslim Uighur was in prison and the prison guards came around and said, ''See, your Secretary of State was in town and she never even raised the issue.''

The way to do this, Mr. Speaker, in ending, is the way Ronald Reagan did it in the eighties. Every time President Reagan would go or any Secretary of State would go to Moscow, or whatever, they would speak out on behalf of human rights. Our embassies were islands of freedom.

And so I ask the Secretary to make it clear: Is this a retreat on human rights? Did you just make a mistake? But the sound and the silence is reverberating, and it will also have an impact on dictators around the world because they will see the Secretary going to China and not speaking out. Ahmadinejad will do what he wants with regard to the Baha'is, Egypt will do what it wants with regard to the Coptic Christians and on and on, and the world will be a much more dangerous place.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

(Mr. BROUN of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1715

REASONS FOR THE ECONOMIC DOWNTURN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, through the period of the last 6 years, one of the things we have heard pretty commonly in the media has been the tremendous cost of the war in Iraq, and that every day we hear there are more and more millions being squandered on the war in Iraq. So it is an interesting fact to add up all of the spending in the war in Iraq and all of the spending in the war in Afghanistan and add it together. What you find is that there is less spending there than there was in the first 5 weeks of this new year, particularly with the new stimulus bill.

Well, how is was it that we got into such a fix, into such a problem, that our economy seemed to dictate these kinds of draconian solutions? That story actually starts back some number of years. It goes back to the Carter administration, the Community Reinvestment Act and the idea that there were some people that couldn't get a decent home loan. So we were going to tell banks that they had to make some loans to people that were riskier, and maybe even risky enough that some of them couldn't make their loan payments.

That started under the Carter administration, but over a period of time we then developed a couple of organizations called typically Freddie and Fannie, Freddie Mac and Fannie Mae. Those organizations are neither quite government, but really not quite private either. Their objective was to create a source of innovative financing so

that people could afford home loans and the average person could have a piece of the American Dream and own their own house.

Well, over a period of time Freddie and Fannie were established and they took more and more different loans, underwrote various loans for people's homes. By the time we got well through the Clinton years as President, President Clinton demanded that the Freddie and Fannie corporations, if you would call them corporations, had to change their rules, that they had to release more and more loans to people who in effect couldn't pay. So the percentage of these loans that were more marginal were increased.

In the meantime, you had some other things going on. You had the government policy under Greenspan. The Federal Reserve had reduced the interest rate down quite low to about 1 percent, so you had the money being flooded as we moved on with more and more very low priced capital at 1 percent, so people tended to think, hey, this is a pretty good idea. Let's put some of this money in the real estate market, because the real estate market started to boom. In fact, it was in a bubble.

When I came to Congress in 2001, real estate was starting to go up, and by the time 2004 or 2005 came, most of us around here that thought we knew a little bit about economics were kicking ourselves, how come we didn't buy the very biggest house we could possibly find and let the thing double and then quickly sell it.

Of course, there were a lot of people that were doing that. There was a lot of speculation going on. Speculators took advantage of the situation and real estate continued to expand and to expand. In the meantime, what was going on on Wall Street was the fact that because there really weren't any rules, Freddie and Fannie were quasi-governmental, it was assumed that they were going to back people up and back up these loans, and so it became kind of a free ride.

You had all kinds of mortgage brokers traveling around the country saying to people, hey, you want to get a loan? Well, how much do you need? Half a million dollars? Fine. I don't really care whether you have got a job or whether you can pay it back, because I am going to turn the loan right on over. It is going to go over to Freddie or Fannie or to the Wall Street market. They are going to chop it up in pieces, repackage it and sell it all over the world.

So it was one of those situations where we made a very big mistake in terms of government regulation. And we allowed this process to continue to run for some number of years without the proper regulations and control on Freddie and Fannie. So most people have read and understand that what got us into this recession was the fact that we allowed a whole lot of mortgages being made by people who could not pay those mortgages back. So that is how things got started.

Now, you say, well, didn't somebody figure this out? Didn't somebody ring a warning bell or let us know that things weren't going the right way?

Well, in fact they did. What you have here, and this is an interesting day to remember, in The New York Times, not exactly a right-wing oracle, The New York Times, September 11th, 2003, you have reported there that the President, at the time President Bush, was asking for greater authority to regulate Freddie and Fannie because he believed that what was going on was going to cause a whole lot of trouble. There were all kinds of mortgages and loans being made where it was not at all clear that people would pay them back.

Of course, in the past years, many years before when somebody was going to get a home loan, you would go to your local bank and the banker would take a look and say, ''I am not going to loan him money if I don't think he can pay it back.'' But what we did was we separated the person that was taking that loan, we separated him from the person that was getting the money, and the end result was there wasn't any accountability anymore. So the President said, hey, this is a big problem.

So you have September 11th, 2003, The New York Times. The President is saying in there, hey, we need to get some controls on these crazy mortgages that are going on, and he asked Congress to take action to regulate Freddie and Fannie.

At that time, or a year or so later, Congress and the House passed a bill to do that. It went to the Senate and it was killed by the Democrats in the Senate. But in that same article, September 11th, 2003, you have the words of the gentleman here in the House now who is in charge of rewriting the rules, and this is what he said about Freddie and Fannie. ''These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis, said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee.'' So the ranking Democrat on the Financial Services Committee is saying Freddie and Fannie are doing just fine, September 11, 2003. The President is saying we need more regulation, there are going to be problems. Then Congressman FRANK goes on, ''The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.''

Well, this doesn't look like very good prophesy here. Certainly this problem was caused by a lack of regulation. It was caused by the Democrat Party, as is reported in this article in The New York Times.

Now, there are people today who want to say that this is a failure of free enterprise. This has nothing to do with free enterprise. This has to do with socialistic government meddling in the real estate market and an unwillingness of the government to be responsible in what the government says it is going to back.

What has happened here is you have got Freddie and Fannie that could do anything they wanted, and we are supposed to, the taxpayer, you and I, are supposed to back up Freddie and Fannie when people make all of these lousy loans. So that is the quick rundown on how we got to where we are with the recession.

Now, when you have a recession, there are a couple different ways to handle a recession, a couple of theories. One of the theories is what FDR did back in the 1930s. Their idea was that if the government spends enough money it stimulates demand. Of course, everybody has been taught this for years in college economic classes, that if the government stimulates the economy by spending enough money, why, then it will just make the recession go away.

That sounds like a pretty cool idea, doesn't it? The government just spends more and more and more money and the economy is going to get better. The only trouble with that is if that really worked, where we have the amount of debt that we have at this time, trillions of dollars of debt, don't you think we would have a great economy?

So we have to ask, what is this theory? It was called Keynesianism. Little Lord Keynes was proposing this idea about the same time Henry Morgenthau, who was the Secretary of Treasury under FDR, was making this proposal. So we have had in the laboratory of history this idea of the government spending a whole lot of money to make the economy better. So we had a chance to do that for 8 years, and Henry Morgenthau tried this whole thing out.

At the end of 8 years, he appears before the House Ways and Means Committee and in 1939, and this is his quotation before the House Ways and Means Committee. ''We have tried spending money. We are spending more than we have ever spent before, and it does not work. I say after 8 years, the administration, we have just as much unemployment as when we started, and an enormous debt to boot.''

So this is the author, this is the first guy that tried this theory over in this country, just spend a whole lot of money to fix a recession, and he says it doesn't work. You take a look at the numbers and the tremendous amount of joblessness when they started, and when he got all done, they still had a whole lot of unemployment going on. And he said we have tried it and it doesn't work. Yet there are people who still want to hang onto this warmed-over Keynesian idea, and it doesn't work.

So, what does work? It is important for us to not be negative and just say what doesn't work, but what does work. And what does work is more of a supply side kind of model, and we are going to be talking about that in just a minute.

I am joined here on the floor by a very good friend and a gentleman who

has lived a number of careers in this world, one as a medical doctor, a guy with a very bright mind, but also a U.S. Congressman from the State of Georgia. I would yield to the gentleman from the State of Georgia, Congressman BROUN.

Mr. BROUN of Georgia. Thank you, my friend. I appreciate your yielding. I want to just make a couple of comments.

One thing, we have a recent experiment in this kind of economic theory. I think if we look historically, not only did the idea of spending more and more money not work during the Great Depression, in fact the only thing that got us out of the Depression was cranking up the manufacturing sector, the private manufacturing sector, to supply the needs for World War II. That is the only thing that got us out of the Depression.

But I just want to remind you, I know my dear friend from Missouri, Mr. AKIN, remembers just recently the Japanese tried the same kind of philosophy. I don't think it worked there either, did it?

Mr. AKIN. I appreciate the gentleman and the additional point that you are making. I think it is a very persuasive point, because Henry Morgenthau tried this idea for 8 years and it didn't work worth a hoot. In fact, those were his words, we have a lot of debt to boot.

But in addition, we also had the Japanese. They tried it, and it basically was like taking an entire economic decade out of Japan. They had a whole lot of these tax-and-spend fellows over in Japan, and they just went at it hammer and tongs for 10 years. The Japanese economy bumped and bumped and bumped and it never could get off the ground. It is like the plane that didn't have enough propulsion to be able to pull it up in the air. And it was because of the fact that they were just sold on this idea that if they spent enough government money, something would be okay.

It kind of reminds me, I am an engineer by training and they probably shouldn't let us into a political body like this, but it reminds me of somebody grabbing their shoelaces, lifting up and trying to fly around the room.

This is just foolishness. I think most Americans, most of our constituents that are out there, I think they have to look at this idea and think what sort of funny stuff are those people smoking up in Washington, D.C. to think that when you get in hard times economically that what you are going to do is just spend money like mad. I don't think there is anybody in my district dumb enough that when they are in hard times economically they go and buy a brand new big car and spend money like mad thinking it is going to fix the problem. It is almost insanity to look at it that way.

The thing is, as well as the bad examples that we have, you have mentioned one of those, Congressman BROUN, we have good examples, good examples of the right way to solve the problem. It is not like we are just hopeless and we are in a graveyard spiral with an airplane and there is nothing you can do to fix it. The fact is, there are all kinds of examples of the right thing to do, and that is not the Keynesian model but it is more what people call today a supply side model.

I yield to the gentleman.

Mr. BROUN of Georgia. Thank you, and I appreciate that. Absolutely. I frequently say at home, as I am going around the 10th Congressional District in Georgia, that socialism has never worked; it won't work today, it has never worked in the past, and that is exactly what we are doing.

I described the stimulus bill that we passed here in this House a couple of weeks ago as a steamroller of socialism being shoved down the throats of the American public, and that will strangle our economy and kill the American people economically. I believe, likewise, that we are seeing bill after bill; in fact, just tomorrow we are going to have a housing bill here on the floor that is going to create bigger government and spend more money.

□ 1730

Certainly people need to be able to buy houses. People need to be able to buy cars. The Big Three auto makers are having problems. I have my own dealers at home that talk to me about the car sales. In fact, I visited one and talked to the service people, I talked to the used car people, I talked to the new car people, I talked to the folks across the board, and in a large dealership in the 10th Congressional District back during this last break, a week ago, and they're suffering. People are hurting around this country. And we need to do something. And there is absolutely something that can be done.

Republicans have proposed things that go along with what you're talking about tonight, the supply side, which means that we need to get dollars back in people's hands. We need to have small business be able to have the capital, money, to be able to create a new job, to be able to go out and buy inventory, to be able to do the things that they need to be successful as a small business. And that's the economic engine of America.

I was just watching ''Fox and Friends,'' I guess two mornings ago, and the people there were talking about that the banks are the economic engines of America. They are totally misled. Small business is the economic engine of America.

Mr. AKIN. Reclaiming my time for a minute. What I think I'm hearing you say was something that I just think it's so much common sense and so many Americans understand this. And it's about productivity, isn't it?

If you really look at, just look at your own life, and if you really want to do better, you become more productive. You produce more product. You're more efficient, and you get more stuff done, and therefore, you can earn more money that way. And that's the same thing. It's not like this is really complicated. You know, there's economists who would like to make it seem complicated so they get to keep that Ph.D. and have a nice job. But it's not that complicated.

When a business or an investor or an entrepreneur puts some money out and makes a good gamble or makes a good investment, it works well, or maybe it doesn't work quite right and then they adjust it a little bit, and then they come up with a better way of doing things, we call that productivity. And in order for that process to work, you have to have, just like oil inside a machine, you have to have a certain amount of liquidity and capital out there for these investors to be investing.

And so the whole logic of what you're saying is, you've got to prime the pump a little bit and let people keep some money so that they can invest it. And of course the thing that kills it is if you start to suck all the money out of the economy, now you don't have anybody investing, and so you start to run into this condition of joblessness. And we understand what that's like. There's all kinds of people.

I yield.

Mr. BROUN of Georgia. You've got a great chart here. I know you're going to explain it to our viewers tonight and show pre-tax relief and post-tax relief. And the great thing—I'll stop here in a second, but the great thing about this chart that you're just fixing to explain is it shows that tax relief will stimulate the economy.

By getting the regulatory burden and the tax burden off of small business, we'll create jobs. We'll have a strong economy. People will have good-paying jobs so that they can buy a car, can buy a house, can pay for their college education for their children or technical education, they can do the things that they need, buy clothes, and all the things that come together to create a strong economy.

So if you would explain that chart for us, I'd appreciate it.

Mr. AKIN. Reclaiming my time. What you're saying is that somehow or other people have trouble making this connection. But if you've got a business that's doing well, they hire people, and that makes jobs. Now, if you're jealous of the guy that owns the business, say you're too rich and I'm going to take you down a peg, and you take all the money away from everybody who owns businesses, then don't be surprised when you don't have as many jobs.

And so one of these things that people, you know, if they want to get real covetous and don't like their neighbor having a fancy-looking car in their driveway, think about it a little bit, because you're really a lot better off if you live in a neighborhood where there's a lot of businesses that are

doing well than if you're in a neighborhood where everybody is unemployed. And you can't let it get you upset that somebody else is doing well if you really want jobs, because if you want to have a job you've got to work for somebody.

But anyway, let's take a look at this. The point of the matter is there's no reason for there to be doom and gloom in America. There's no reason for us to be really upset or kicking our lips around. There are ways to fix the problem we're in. We made some very, very foolish mistakes with poor government regulation and basically misguided socialism that put us into the recession. But it can be fixed. America has come through a lot of challenges, and this is another challenge, and we can do okay with this. But we can't do it by doing the wrong thing.

So what are the examples of what do you do in this situation? Well, here's an example. Actually, when I was here in Congress in 2001, when we started—and we did a bunch of tax cuts, and people thought tax cuts help make the economy do better. Well, but that's not entirely true. It's certain kinds of tax cuts that make the difference.

So here you have a picture of what's going on in 2001; this is the year that I came here, and you see we were in the recession. And before this tax relief, right here at this line in the second quarter of 2003, we did a particular kind of tax cut which had a very strong effect. But going before that, we did some tax cuts here, and we still had an average GDP of 1.1 percent. So it wasn't just any tax cut. You just want to send a $1,000 check to everybody in America, people like it, but it's not going to fix the situation that we are in. No, you have to use your tax money wisely.

So what did we do? In the second quarter of 2003, we did a dividend capital gains tax cut, and we took it from—it had been quite a lot higher—we took it down to 15 percent. And when we did that, let's take a look at what happened. Now, the effect of that, of course, is dividends capital gains is not something that just helps everybody on the street. This is something that really affects people who own businesses, particularly, or people who own money, and you want them to get the money freed up so they will use it to invest and create this productivity.

So here's what happens. We do the tax cuts second quarter 2003. Look at what happens to gross domestic product. We're chugging along at 1.1, it's kind of spotty, and all of a sudden it jumps to 3. And this is going all the way over to 2007. So the effect—now, you could say, well, is that what caused that? Well, if you take a look at this point in history, this is the main thing we did economically.

So you say, well, does that show up anywhere else? In fact, it does show up in some very, very important places. Let's take a look at the second chart, which is what we're very concerned with today, and that is the problem of job creation. These are all—all the lines going down are jobs that are lost, and so we're losing jobs at an average of almost 100,000 jobs a month. That's what's happening, 100,000 jobs a month being lost.

Now, these lines going up are where we actually had some job creation. But this is an average here. Now, we do this tax cut, and take a look at what happens on the right side in terms of the gain of jobs: 147,000 jobs a month being gained with this one particular cut.

So this isn't rocket science. We did it before. JFK did it. Ronald Reagan did the same kind of thing. And here we go, right in our recent past we did the same thing, and look what's going on.

Now, here's the last thing. Let's say that you really do, as my friend from Georgia was just saying, using the word ''socialism.'' Let's say you really are a happy little socialist and you really want the government to slot money around and redistribute wealth and everything. If you want to do that, one thing you want is a good economy because it gives you more money to play with.

Look what happened here. This is Federal revenues. Federal revenues are going down, just as they've been going down this year because the economy's in bad shape. You turn the economy around with the right kind of tax cut, and take a look at revenues. They're jumping.

So this says everybody wins when the economy is doing well, and this supply side kind of idea of letting money be invested by the productive private sector, just as my friend from Georgia was saying, this is what works.

And there's no reason for Americans to be out of work if we just do the right thing. Instead, what we're doing is we're going to allow this tax cut to expire, and the math that drove these charts is going to go into reverse, and it's going to make the situation worse even than what it is right now.

I yield to my good friend from Georgia.

Mr. BROUN of Georgia. Well, you're exactly right, Mr. AKIN. And I think we're going to see a marked reversal in job creation as the capital gains tax goes higher. In fact, I'd like to remind my colleague, back when, in the last Congress, Republicans and Democrats alike had an alternative plan to the, what I call the Wall Street bailout bill, the TARP fund bill, the Troubled Assets Relief Program, where we were promoting not only not allowing the capital gains tax—keeping it from expiring, but we were promoting lowering that, change the accounting principles that froze all the economic markets. And I fault Hank Paulson, Secretary Paulson, frankly, for not even letting our bill touch his lips or come across his throat. And nobody on the majority side would consider our bill.

We had a plan that would not borrow from our grandchildren, like the TARP funds, Wall Street bailout bill did. Republicans have had a plan, actually, for a stimulus that would have actually stimulated the economy when we passed the stimulus bill a couple of weeks ago. And then now, just today, we voted on a bill that I think is going to exacerbate—that's a medical word that means ''make it worse.'' But it's going to make the problem worse for the American family.

In fact, I hope that President Obama will fulfill his promise he made to the American people. He said that he did not want to—he would not sign a bill that had earmarks in it. This bill today had over 9,000 earmarks in it. Last night he said that the stimulus bill didn't have any earmarks in it, and that's not factual either. That's totally false.

Mr. AKIN. Reclaiming my time. There is a little bit of a gap between the rhetoric and what's actually going on here, isn't there? And so what you've made reference to is—and this is easy for people to get it confused a little bit because this has been happening so rapidly.

The end of last year, we had basically a Wall Street bailout bill at $700 billion. That is a lot of money. That puts us into uncharted territory. I know you voted against it. I voted against it. And the reason we voted against it was because it wasn't going to work. Quite simply, it was not going to work. We spent $350 billion of that, came back, and people said, where's the transparency? What happened? You know, this thing hasn't been working very well.

And then, on top of $700 billion, just this last week, or week before last, we spent another 800-something billion dollars. At least in the House it was 840. They backed it off a small amount. Now, when you put $700 billion, $800 billion together, we're talking some change, aren't we?

I notice we're joined by another doctor—this must be doctors night—from Georgia over in the Chamber, my good friend, Dr. GINGREY, Congressman GINGREY. I just would yield some time to you.

Mr. GINGREY. Mr. Speaker, I appreciate the gentleman from Missouri yielding. And I will say that every night is doctors night.

It's always fun to be on the floor, of course, talking about issues like this. It's so important to the American people. And of course I know you've been talking about the economic ''spendulous'' bill that's already passed, already signed into law by President Obama.

And now today, of course, we vote on this omnibus bill, I think nine categories of spending. They were sort of left over, wasn't it, from 2008, from the last Congress, the last fiscal year. This should have been done and completed by October 1st. The end of the fiscal year was September 31, 2008. And here we have these nine spending bills that we throw into one big package, makes it extremely confusing.

So it is important, I think, for Members to come to the floor, Mr. Speaker, to explain to both Republicans and Democrats, really what we did here today.

And, of course, this bill passed. It certainly didn't pass with our vote and our support. And the thing that I want to point out—and maybe you've already said this, but if you have, it's okay, because we can't say it often enough. The fact that, without considering the economic stimulus package, the trillion dollars that's going to help the economic recovery bill, without considering that, we have increased discretionary spending over 2008 levels.

And I have a chart to show it. We have increased discretionary spending by 7½ to 8 percent. And I'm pretty sure I'm right on this, Mr. Speaker. This was the largest increase in discretionary spending since the Carter administration. We have not had an overall 8 percent increase in discretionary spending in recent years, certainly not ever during the Bush administration, during his 8 years.

Mr. AKIN. Reclaiming my time for just a minute, I'd like to highlight what you just said.

□ 1745

Because a lot of times what we hear our opponents, the Democrats, saying is, ''Well, you don't have an idea. You don't have a plan. What's your idea? You're just always saying negative things about ours.'' Well, that's not true.

I mean, just starting with what we did today, the number I saw was that there was an 8 percent increase in a whole series of categories, an 8 percent increase. Now, the average household in my district has not had an 8 percent increase this year in their paychecks, and yet the government is going to push this 8 percent. So let's be specific. I don't want to be negative here. I would like to say positive things.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. AKIN. I will yield.

Mr. GINGREY of Georgia. Mr. Speaker, the story is much worse. We are at 8, 8–0. 8.0 percent is bad enough as I tried to point out, but let me actually show this chart that I will hold up to my colleagues. I thank my physician colleague for helping me with the poster.

This in the blue shows the amount of spending for each one of these categories in this omnibus bill—Agriculture, Commerce, Justice, Energy, Water, Financial Services, Interior, Legislative branch, Labor-HHS, State, Foreign Ops, and Transportation-HUD. This is in the blue—what we had spent in billions in fiscal year 2008. This is already enacted. The red is what we did today. Let's just take these nine categories and look, Mr. Speaker, very closely. On Agriculture, we increased spending over '08 by 45 percent, Commerce and Justice by 41 percent, Energy and Water by 151 percent, and on and on and on.

You might say, ''Well, wait a minute now. You just said the overall increased spending was 8 percent.'' What we need to understand is, in this economic stimulus package, much of that money was in these categories that should have been enacted under regular order. When we do these appropriations bills and we go through subcommittee and committee in regular order, that money—much of that—was in these different categories that had nothing to do, really, with job creation or very little to do with job creation. When you add that money out of the economic stimulus package to these categories, it's not 8 percent. I say to the gentleman from Missouri it is 80 percent—8–0 point, 80 percent.

Mr. AKIN. Reclaiming my time, you make an excellent point. So what's really going on here is there are two bills that are influencing those categories that you show on your bar graphs.

The first bill you call the ''spendulous.'' I'm maybe not quite so kind. I call it the ''porkulous.'' They've rather nothing to do with job creation at all. They had to do with a whole lot of expansion of government programs and government spending.

So, first of all, we took this about $800 billion. Now let's just stop for a minute and put that into perspective. One of the things that's really big that we buy, if you want to think of big things, is aircraft carriers. We have eleven aircraft carriers in our Navy, and we protect them. We put ships around them. We don't want people to sink our aircraft carriers because they're expensive. Now, if you take the average cost of our eleven aircraft carriers and divide this into these porkulous or spendulous bills, you've got 250 aircraft carriers. I mean I don't know if that would go all the way across the State of Georgia or not, but those are a lot of aircraft carriers—250 of them—when we only have eleven in the Navy. Now, if you want to get you one of them Cadillac kind of aircraft carriers, the extra long version with the super electronics and better planes and all, well now, you'll only get 100-and-some aircraft carriers.

Mr. GINGREY of Georgia. If the gentleman would yield, with that number, if you put them end to end, that could go from Pearl Harbor to Wake Island.

Mr. AKIN. Yes. Reclaiming my time, you could also look at it from this point of view, which would be that the interest we pay on that amount of money in this porkulous bill would buy nine new aircraft carriers every year, just the interest on that money, or you could look at it another way. You could say all we've been hearing about is how expensive the war in Iraq is. Well, add up every day of the war in Iraq. Add it all together. We're talking way more money in the first 5 weeks than what we spend in Iraq. In the House version, you've put Iraq and Afghanistan together, and it's still more money. So this is a pretty good chunk of change.

What you're saying, gentlemen, is that a lot of that had nothing to do with jobs. It was just putting more money into government programs. So the chart that you show there didn't really show an 8 percent increase. What it really showed was way up there. What did you say? I'll yield. What was the actual number when you added it up?

Mr. GINGREY of Georgia. Well, reclaiming my time, of course the amount of money, I think, that we were spending in this bill, just in the omnibus, was $410 billion, but I think that it's something like $300 billion additional. Anyway, overall, it brings it up to 80 percent.

You know, you wonder. We heard from the President last night in his semi State of the Union Address, and he talked about, you know, fiscal responsibility in this budget that he's going to present to us on Thursday for 2010 and how it's going to be very fiscally responsible and belt-tightening. He has an opportunity, colleagues—doesn't he?—to veto this omnibus. This is his first opportunity. What can he say?

I mean we were criticized by the Democratic—now majority—when they were in the minority. President Bush didn't veto one spending bill, and on many occasions what came out of the Congress was a plus-up from what former President Bush had asked for. So the argument was, if you Republicans are fiscally responsible, why wouldn't your President veto this spending bill? In the first place, why did you plus them up? Here the Democrats said, ''Well, you bring us in, and we're going to change all of that.'' Here is the very first opportunity. Well, I challenge President Obama:

Veto this sucker. Send it back, and say, ''You know, we don't need an 80 percent increase in discretionary spending.'' As you've pointed out, Mr. AKIN, much of that spending will be there 10 years from now.

Mr. AKIN. Reclaiming my time, what you're really saying is what we passed on this floor today, in and of itself, was an 8 percent increase, and that 8 percent increase is the biggest we've had in these categories since Carter was President, but that 8 percent is deceiving because you can add to it all of the stuff in the porkulous bill or a lot of what was in the porkulous bill, and that's going to run it up to an 80 percent increase. So what we're really talking about is a massive increase in government programs.

I see my other doctor friend, Congressman BROUN, from Georgia. I yield to the gentleman.

Mr. BROUN of Georgia. Well, thank you, Mr. AKIN. I just want to point out something here, too.

As Dr. GINGREY has come on the floor, he and I have the mutual thought that President Obama has promised the American people that he would veto any bill that had earmarks in it. I call upon the President to veto

this bill that we passed today. It has over 9,000 earmarks in it.

Mr. AKIN. Reclaiming my time, gentlemen, I heard it was 7,500 earmarks.

Mr. BROUN of Georgia. Well, whatever.

Mr. AKIN. He said, if it has earmarks in it, he's going to veto it, but what do you think they'll say—that those really aren't earmarks? Those things that look like earmarks and that smell like earmarks aren't earmarks? Is that what we're going to hear?

I yield.

Mr. BROUN of Georgia. You don't know what he's going to say. We heard last night that that porkulous bill as you and I call it—I call it a steamroll of socialism being shoved down the throats of the American public. He said last night in his State of the Nation Address that there were no earmarks in that bill. The whole non-stimulus bill was earmarks. It was payback to all of the liberal folks who supported him and who supported our Democratic majority.

But the point I wanted to make is that we hear from our friends on the left that Republicans don't have any ideas or that they're old ideas. The thing is that that's absolutely false in itself. Just on today's bill, I offered an amendment that the Democrats would not take that actually cut the discretionary spending out of this bill by 10 percent. American families are cutting their budgets. They're hurting.

Mr. AKIN. Reclaiming my time, you offered an amendment. It said we want to cut 10 percent out of this bill. When you made that amendment, did you bring that amendment to the floor, and did you have a chance to vote on it?

I yield.

Mr. BROUN of Georgia. Well, no, they wouldn't let it. Now, the thing is we heard from the leadership on the Democratic side that we were going to have a new era of openness and fairness, but we weren't allowed any amendments. The Rules Committee ruled that this was going to be a closed rule, that they wouldn't accept my amendment or any others. The Republican party had another amendment to just freeze spending across the board, not increase it, just not bring this bill to the floor, just continue to have another continuing resolution to continue current spending for the rest of this budget year. That wouldn't be considered.

We've brought plan after plan, project after project. We've brought forth to the Democratic majority many ideas that would stimulate the economy, that would create jobs, that would leave money in the hands of the people as well as small business, that wouldn't borrow from our grandchildren, but the Democratic majority won't even consider those things, and they've totally shut us out.

Mr. AKIN. Reclaiming my time, gentlemen, I see my congressional friend from Georgia.

Dr. GINGREY, I yield to you.

Mr. GINGREY of Georgia. Mr. AKIN, thank you. I just wanted to add to what Dr. BROUN was saying as to that continuing resolution amendment.

In other words, let's just stay at 2008 levels, the ones that we showed in the blue on this chart. Let's just stay right there. Dr. BROUN was explaining that amendment. In that amendment, if we did that—and I'll ask Dr. BROUN or I'll ask Representative AKIN—how many earmarks would be in that?

I'll go ahead and answer that before I yield back my time. The answer is it would be a big nada, zero, none. There would be no earmarks.

Now, some Members don't ask for earmarks. I've probably got six or eight earmarks. I have, you know, transparent, light of day, good things for my district that have been vetted thoroughly, but that would wipe out all of my earmarks, and those other 7,500 or 9,000, whatever the number is, I'm fine with that, and I think my constituents, in the interest of fiscal responsibility, would be fine with it as well.

So I think that's a point that we needed to make, and I yield back.

Mr. AKIN. So, reclaiming my time, what we're saying is one simple solution would be to freeze the discretionary budget. That would probably be the first step of a supply side solution to get the economy going, wouldn't it, if we'd just simply freeze discretionary spending? Then if what we did was we allowed certain selective tax increases in a very short period of time, you'd see the stock market jump, and you'd see jobs being created, and the whole economy would start to move again.

I mean this isn't something that's too complicated. It's just several of us talking this evening. There are a number of ways it could be done. It's not that complicated.

One of the places that you might start would be with the fact that the corporate income tax in America is the second highest in the world. You could get rid of all of the little bells and whistles in that corporate tax and just knock it back a good number of percent, and that in and of itself could have a great influence in creating jobs. If you on top of that were to freeze the government spending and were also to maintain dividend and capital gains, I don't know how many months it would be, but you'd see a neck-snapping turnaround. There are solutions to these problems, and the fact of the matter is that the people who are in charge now are unwilling to look at those solutions.

I yield back to Dr. GINGREY.

Mr. GINGREY of Georgia. Well, I thank the gentleman for yielding.

Again, I would just make the point that the President is a fantastic speaker, and he absolutely can talk the talk as good as anybody, certainly as any President whom I can remember going way back to JFK. Yet he has not had the opportunity to prove that he can walk the walk. I hope he can. I don't have any reason to think that he can't, but he does have an opportunity—doesn't he, my colleagues?—with this omnibus bill that was passed on the floor of this House today. President Obama has an opportunity to show that he can walk the walk.

Now, if he's not willing to veto this, what possibly could be his excuse? Would he say, ''Well, you know, this was something that happened in 2008'' or ''this was a fiscal year 2009 budget, and it really is leftover business, and it's not my problem. It's somebody else's problem''? You know, that would be like an off-duty fireman walking in the streets of New York, coming upon a fire and having a hose there and a truck and saying, ''Look,'' you know, ''I'm not on duty. It's not my responsibility, and I'm not going to put the fire out.'' Hey, he's the fireman and chief. It's his responsibility to put the darned fire out, and he has got an opportunity to do it. He needs to walk the walk.

Mr. AKIN. Well, reclaiming my time, I guess what can happen down here—and we should guard against this—is we can get a little cynical. I believe it was the week before last that this House unanimously passed a resolution that was saying that we were going to have 48 hours to take a look at this 1,000-page bill that was coming down the pike.

Mr. BROUN of Georgia. On the Internet.

Mr. AKIN. We were going to have 48 hours because there were 1,000 pages, and there were all kinds of things in there. Doesn't it make sense to allow the staff and different people to read over it before they take the vote? Everybody said ''yes,'' so we voted unanimously for 48 hours.

The bill comes out. We get our first copy at 11:30 on Thursday night, and of course we have lots of staffers sitting around the office, waiting at 11:30 at night. The next day, we went straight to a vote on this.

□ 1800

And we're told that this is going to be transparency and openness, and it does tend to make you a little bit cynical when we say one thing and we do something else.

Now, the promise has been made here, if there's an earmark, we're going to veto it. Now, do any of you want to make any bets as to what's going to happen to this little puppy?

I don't mean to cause you trouble, Congressman BROUN.

Mr. BROUN of Georgia. Well, in Georgia, in my part of the woods, we say, ''That's hogwash,'' the claims that we hear.

We've heard rhetoric, both from the President as well as the leadership in this House, about fairness. Well, they're not being fair to Republicans with the closed rule so we can't present our ideas and all.

But the thing is, it's not only not fair to Republicans, it's not fair to the men

and women of America. It's not fair to the working families of America. It's not fair to the small business of America. Because we're being overrun with this socialistic idea that's going to destroy jobs, it's going to create more economic problems, just as we saw during the Great Depression.

All the great spending, all the big growth of Federal Government that we're seeing just markedly grow with these ''porkulous'' bills—the Wall Street bail-out bill, the non-stimulus stimulus bill we had 2 weeks ago, the bill we have today, and we're going to get another one tomorrow, and we're going to see more and more and more. And the thing is, it's not fair to the American people because what we're doing is we're killing our economy.

Mr. AKIN. Reclaiming my time.

The American people, in a way, have a way to vote. The people that have money vote on the stock market, and the stock market has been saying, ''We're not buying all of this stuff that's coming out of Congress. We're not convinced.'' And the stock market, every time we do another one of these massive spending bills, the stock market goes down even farther. So that's some kind of an indication that all is not well.

I yield to my friend from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, all is not well. And we're not talking about our physical health here, but we're talking about our economic health. And, indeed, it will lead to poor physical health because people will be so frustrated and anxious and depressed.

One of our colleagues on our side of the aisle, a gentleman from Kansas, TODD TIAHRT, I spoke to Representative TIAHRT earlier today, Mr. Speaker, and he asked me if I would like to sign on to a bill that he is going to introduce in the next couple of days that said, look, we're not going to have any more stimulus, any more emergency bailout, rescue packages, whether we're talking about General Motors or Chrysler or AIG or Bear Stearns or Bank of America—you know, I could go on and on.

TODD TIAHRT is a strong fiscal conservative, and I said, ''Man, I'm so glad you're doing that,'' because, as the gentleman from Missouri was just saying, the one thing the stock market hates is uncertainty. And we have had nothing but uncertainty since the beginning of this 111th Congress, and they don't know what to expect. So people keep thinking, well, am I going to buy a Bank of America stock at $4 a share when, the next bit of bad news comes out of Washington, it will be $2 a share? And that's exactly what's happening.

So I say ''hurrah'' to TODD TIAHRT, and I hope his bill will see the light of day

Mr. AKIN. Reclaiming my time.

One of the things that strikes me and is of great concern to me is something that I believe was in the dustbin of history in our thinking for many years now, and that was the old Soviet Socialist Republic, the USSR. If you think back before the Berlin Wall fell—some of us are old enough to remember—that was a formidable—and we were concerned about the USSR, but we didn't ever believe that its economics were any good because we knew they were a bunch of socialists over there. That's what the ''USSR'' part was all about. So, in a way, when we saw the Berlin Wall come down, we could kind of catch our breath, but we kind of laughed at them as saying, ''See, we knew that old socialism wasn't going to work.''

And what was that country based on? The basic assumption was that the government is going to provide you what? Well, I guess one of the first things would be the government's going to provide you with education. And then another thing the government's going to provide is health care, which I know, as a couple of medical doctors, this is something that we know a little bit about when the government decides to get in the health care business. And then, of course, we're going to have the government provide you with food and housing, you see. And then the government's going to give you a job.

And that was the heart—aside from being just sort of antireligious, the USSR, that was the heart of their program. The government is going to do all of this stuff.

And now, just a few weeks ago, the cover of a major news magazine in America, it says, ''We're All Socialists Now.'' When I saw that, I felt a little frustrated, because I'm not a socialist. And the people I represent are not socialists. And they didn't like socialism, and they don't want the government running everything in their lives.

Mr. GINGREY of Georgia. Joe the Plumber is not a socialist either. It's all about that income redistribution. You remember that phrase?

Mr. AKIN. Reclaiming my time

One of the things that's of concern is that if we follow in the path of the model that doesn't work, the Soviet Union, with the government trying to run all of these things, the government is terribly inefficient. People may think and complain to you doctors that medicine is awfully expensive today. Well, if they think medicine is expensive today, let them get a snout full of what it's like when the government runs it, with all of that efficiency. About half of the health care dollars in America are already going through the government, and that's part of what's made it less efficient and expensive.

So if we move in the direction of what I'm reading, if you read between the lines of the speech last night, we're talking about a single-payer system like Canada. And the bill that we passed already has the language in it saying the government can ration your health care, and I don't think that makes for good quality health care.

Mr. BROUN of Georgia. As a physician, let me tell you, it's not going to. Government regulation is what's driven up the cost of health care markedly.

When I was practicing medicine down in rural south Georgia, as a good example, Congress passed CLIA, the Clinical Laboratory Improvement Act. I had a lab with quality control because I, as a physician, wanted to make sure that any lab test I did was accurate. We spent a lot of time, energy, and money making sure that those tests were accurate.

Well, CLIA shut down my lab. If somebody came in to see me with a red sore throat, had white patches on the throat, running a fever, aching all over, I would do a CBC, a complete blood count, to see if they had a bacterial infection and thus needed antibiotics, like penicillin, or if they had a viral infection. Both clinical pictures could be exactly the same. Even allergies will present with the same clinical picture, even the fever.

So I would do this simple blood test. I charged $12 for the test. CLIA shut my lab down. I had to send my patients over to the local hospital, and they charged $75. I could do the test in 5 minutes. It would take 2 to 3 hours to get the results from the local hospital.

Now, what did that do across the whole of the spectrum of health care? It markedly drove the cost of—insurance and all health care markedly were elevated because of that.

And Congress, not long ago, passed HIPAA. I call all of these things ''critters,'' and if you see a critter coming down the pike, you better hold on to your wallet because it's going to take a big bite out of it. But HIPAA has cost the health care industry billions of dollars and hasn't paid for the first Aspirin to treat the headaches that it's created.

So if we get the regulatory burden off of health care and we let the doctor-patient relationship be how health care decisions are made, we can literally lower the costs. But this ''porkulous'' bill is a giant push towards socialist medical care here in America, too. So it gives me great concern for me and for my physician colleagues, but it even gives me more concern for my patients.

It's been said around here, if you think medicine is expensive now, wait until it's free and provided for by the government. We're going to have terrible quality or degradation of quality of health care. We're not going to have the innovation. We're not going to be developing the new drugs and procedures that we're doing today on the free enterprise system, and it's going to be disastrous.

Mr. AKIN. Reclaiming my time.

I appreciate you being a medical doctor. You've seen first-hand examples where government intervention in the marketplace is driving up costs for everybody. And the more areas we get into—just like the Soviet Union, when we get into food and clothing and housing and education, the more the government gets its nose into all of those

areas, and the size of the government grows, as we've just seen—it wasn't just 8 percent today, but you add the 8 to all of that before from the ''porkulous'' bill, we're talking about a massive increase in government.

And the Republicans did make some mistakes. We spent more money than we should have, but it's nothing on the scale of what we're talking about here.

We're joined by a very distinguished colleague of mine from Louisiana. And, Congressman SCALISE, we'd appreciate if you could join us.

And I yield time.

Mr. SCALISE. Thank you. I want to thank the gentleman from Missouri. What we've been talking about is the concern that a lot of us have with the runaway spending we have here in Washington.

And as we all sat in this Chamber last night and listened to the President, there were a number of things he said that I think we all agreed with. One of the things that he harped on was the concern about adding more money, billions and trillions of dollars, to the national debt, and I share that concern.

But I think what's even of more concern is that, if we look at what's happened in these last 6 weeks, we've seen not a reduction in spending, not a reduction in debts, we've seen a dramatic increase. In fact, in just the last 6 weeks since Barack Obama has been President, we've seen over $2 trillion added to the national debt. That's a 20 percent increase in the national debt. And that's the burden that our children and our grandchildren are going to have to inherit.

Mr. AKIN. Reclaiming my time for a minute.

You're saying a 20 percent increase in the national debt. So you add up all of the national debt since the country was born, you put that all together, and you're saying we added 20 percent to that in a period of 6 weeks?

Mr. SCALISE. In a period of 6 weeks between the spending bill that was passed and signed into law last week, added $800 billion in new government spending—not a bill to help stimulate our economy; a bill to massively grow the size of government, many programs, as you discussed, that are permanent programs, not one-time infrastructure spending.

The other thing—and tomorrow there will be a bill filed; the President will be presenting his new budget. The expectations of what we're hearing is that that budget will be over $1 trillion out of balance. More money added to the national debt.

And on top of that, a bill that a lot of us that are concerned about this runaway spending voted against, but a bill that passed today was this omnibus bill: $400 billion of additional spending, representing an 8 percent increase in government spending at a time when States and families across this country are cutting back their spending because of tough economic times. Seems like Washington's the only place going on a spending spree.

It's hard to picture when yesterday you hear somebody talking about the dangers of adding more money to the national debt, ironically on Mardi Gras day, and it seems like today and tomorrow, when these bills are filed, adding trillions more debt, it seems like the same people are trying to act like the King of Carnival, throwing beads and trinkets to people with more government spending.

This was a picture that was actually in the New Orleans newspaper yesterday on Mardi Gras Day, and it talked about and it shows people throwing money, literally throwing money from a float. And it's titled ''Stimulus,'' and they said, ''We'll worry about the hangover tomorrow.''

And the sad part of it is, it's not our money that they're throwing. It's not only the taxpayers' money, but it's our children and grandchildren's money that they're throwing, because this is money we don't have. This is money that's going to go out and be printed up on a printing press because we don't have that money sitting in a bank somewhere.

And so it adds more money—over 20 percent in 6 weeks has been added to the national debt. And that's the burden our children and grandchildren will inherit. And this has to end.

Mr. AKIN. Reclaiming my time.

You're talking about, in the last 6 or 7 weeks, we have added 20 percent to the debt. And yet, when you take a look at the money that we've spent, it's not going to do any good to help us with joblessness, it's not going to get the economy going, it just is flat not going to work. Because we can already see that it didn't work when you used the same approach during the ''Raw Deal'' or the New Deal. Henry Morgenthau says it won't work. He's the guy that engineered the plan. He says it won't work. And the Japanese tried it, and it didn't work for them. And yet we have solutions to the problem that will work which are being ignored.

You know, gentlemen, one of the things that I think we have to be careful of: We are in a very difficult time in America right now, and a lot of people recognize that.

And we'll have to continue this next week on Wednesday. And I really appreciate my good friend from Louisiana joining us, Congressman SCALISE.

REVISIONS TO THE 302(a) ALLOCATIONS FOR THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

The SPEAKER pro tempore (Mrs. HALVORSON). Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 301(c) of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2008 and 2009. Section 301(c) of S. Con. Res. 70 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives described in section 301(a) of the concurrent resolution. A corresponding table is attached.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(A) ALLOCATION

[In millions of dollars]

	BA	OT
Current allocation:		
Fiscal Year 2008	1,050,478	1,094,944
Fiscal Year 2009	1,011,718	1,106,112
Change for H. R. 1105 program integrity initiatives:		
Fiscal Year 2008	0	0
Fiscal Year 2009	968	892
Revised allocation:		
Fiscal Year 2008	1,050,478	1,094,944
Fiscal Year 2009	1,012,686	1,107,004

□ 1815

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, we are here to convene what has unfortunately become a little bit more infrequent in this legislative session, our 30-Something Working Group. We're so glad that the Speaker of the House has once again convened the 30-Something members of the Democratic Caucus to work on issues affecting not only our generation of Americans who are struggling like everyone else with this very difficult economy, but also on behalf of all Americans who are crying out right now to the Obama administration, to this Congress, to both Democrats and Republicans, to step up to the plate and help them start making ends meet.

And we're going to be here today with my colleague, Mr. ALTMIRE—hopefully we will be joined a little bit later by one of our new members of the 30-Something Caucus, Mr. BOCCIERI—to discuss really what I think is becoming a historic moment in this Nation's history as President Obama challenges this Congress and this Nation to do two things; to step up to the plate and enact short-term stimulus to create jobs in this country, to put people back to work, to make banks start lending again, and to get our economy recovering, but also to do something else; to recognize that this economy has been imperiled for a very long time by a weak energy policy, by a crippling health care system with rising costs, and a relative lack of investment in education compared to those countries that we compete with. And his challenge to us last night was to do what we need to do now and to come together to rebuild this economy in the short term, but also in the long term.

Now, Madam Speaker and my colleagues, I got to hear just the end of the presentation of our colleagues who spoke before us on the floor. And it is, I think, amazing to many of us to see this newfound interest on behalf of the Republicans on this floor of the issue of fiscal responsibility and deficit reduction.

As President Obama pointed out last night, this administration has inherited the largest debt in the history of this Nation. Coming after the Bush administration, which took a national debt from $4 trillion to nearly $10 trillion, who racked up more debt for this Nation in one administration of 8 years than every single other President combined, that's what this Congress inherits.

The Republicans who controlled this House for 12 years sat by idly as our children and our grandchildren were put in hock. They ignored the growing weakness of our health care system and the burden that it placed on small businesses. They ignored the fact that our energy system was being held hostage by those who produce oil and gas overseas. And they let our education system and our investments therein wither away, as Head Start got cut, as special education funding got cut, as higher education and financial aid funding got cut. And all of a sudden we woke up overnight to the fact that our economy was in great peril and that we owed $10 trillion to the rest of the world.

For 8 years, the Republicans and the President stood here on the floor of this House and down Pennsylvania Avenue in the White House and allowed all of this to happen, meanwhile, pursuing a system of vast deregulation and laissez-faire policies on Wall Street, which then ultimately created the crisis that occurred last summer. A lack of investment in health care reform, an inattention to energy policy, and a withdrawal from education investment combined with a strategy of whatever Wall Street wants Wall Street gets, and we find ourselves where we are today.

So I appreciate hearing from our Republican friends that now we should start paying attention to the debt. We absolutely should. And President Obama set a mission before us last night to halve the American deficit in the next 4 years. We're going to accept that challenge. But the fact is that the Republicans are Johnny-come-latelies to this debate. We wouldn't be in the situation that we are today if we had had more friends on the Republican side of the aisle who practiced what they preached when it came to fiscal responsibility.

It's the very reason why Mr. ALTMIRE and Mr. BOCCIERI and myself are here. We were sent to Congress to fix this mess. We were sent here to represent districts that were represented by Republicans for a very long time because people in our districts are waking up to the notion that if they really cared about the debt that was being levied on their kids, that maybe it wasn't the Republican Party that was best to carry that banner.

We're going to talk about positive steps that this country and this Congress can take from here on out to start lessening that burden. We're going to tighten our belts, we're going to get our revenue and expenditure policy straight, we're going to start stimulating this economy again. We're going to talk about positive things. And I bet you there is going to be plenty of opportunity for Republicans and Democrats to agree on that. But I think we should also agree on what the history of this institution is and the fact that this President and this Democratic Congress inherited an absolute fiscal mess from the Republicans.

So I appreciate the charts and the graphs and the Newsweek covers and the political cartoons that get brought up here in the Republican Special Orders, but there is a certain amount of revisionist history that's happening here. And the 30-Somethings have always been about trying to talk about how we can move forward, but also about making the record very clear for the American people. And I think it is appropriate that we do a little bit of both today, that we talk about our path forward—the very difficult one that we are going to have to chart—but we also make it very clear what the division is on these issues and what our history has been, Mr. ALTMIRE.

Mr. ALTMIRE. And I thank the gentleman from Connecticut. And the gentleman is absolutely correct on a number of points. He mentioned that he came to this Chamber for this discussion just as the previous group was wrapping up. I had been here a little bit longer and got to hear some of what they had to say, Mr. MURPHY and Madam Speaker.

Mr. MURPHY mentioned that we have a Republican Party that is joining the debate and having the discussion. I didn't hear a whole lot of joining the debate going on. I heard a lot of, as the gentleman from Connecticut said, revisionist history. And one of the items of revisionist history that I'm most intrigued by that you hear not just during these Special Order debates, but from talk show hosts around the country, and others, is the revisionist history that Franklin Roosevelt had nothing to do with the recovery that took place after the Great Depression. I don't recall learning that in school when I was growing up. I don't recall that talking point being a part of the discussion. But now we're hearing a lot about, well, the New Deal really didn't work, and nothing that was accomplished by that administration solved any of the issues that they inherited during the Great Depression.

And I think about that when I hear some of the discussion that our colleagues on the other side bring to these Special Orders. And many of them have become friends and colleagues and people that I admire. But the discussion that I hear, I wouldn't consider that to be a debate. I don't think that we're hearing good faith efforts to reach compromise and to work together. I think what we're seeing is a lot of finger pointing. I think we're seeing a lot of blame being cast around and a lot of passing the buck because, as Mr. MURPHY said, we have not yet heard anyone own up to the fact that this Nation is in the economic crisis that it is in today because of the policies of the very recent past. And we can point fingers and we can cast blame, and that's not what this is about, that's not what we're doing today.

But it is instructive to think about how we got to where we are. And when you hear prescriptions being put forward for getting us out of this incredibly deep ditch that we find ourselves in, the people who are bringing forward these prescriptions have a record, they have a record of success or not. So I think the reason it's instructive to look at the decisions that were made in this Congress that led us to where we are today, when you hear people stand on the floor and say, here's my point of view, this is where I'm coming from, this is the way I think we can get ourselves out of this economic situation, let's take a walk down memory lane. Let's think about, well, what is that person's track record in voting for economic plans?

And I do want to remind Mr. MURPHY and Madam Speaker that we have a country now, eight straight budget deficits, these deficits are now forecast as far as the eye can see, we all know that. And we're going to talk about the economic recovery plan tonight and we're going to talk about the details of what was in that plan and what was not in that plan, equally important. Because I heard a lot of discussion about things that weren't even related to what was in the economic recovery plan. We'll have that discussion in a moment.

But what's important to think about when you consider what individuals have credibility and what groups have credibility when talking about the budget deficit and which do not, it has to do with the fact that these eight straight budget deficits that we've had followed four consecutive budget surpluses that President Bush inherited. And one of the things about the economic situation that we find ourselves in is when we get out of this—and we will, as a Nation, get ourselves out of this, as the President said last night—when we get out of this, we're going to be able to step back and look at the fiscal policies that worked and didn't, and look at the people who were in power that made those decisions that led to success and lack of success on the economy. Because it's a pretty clear discussion that you have when you say, here's the economy that President Clinton had, a very slow economy, to put it kindly. He had an enormous budget deficit—the largest budget deficit ever recorded was under President

Bush's father up to that time—President Clinton inherited that situation. When President Clinton left office, the four straight budget surpluses that I was just discussing—and those surpluses were forecast as far as the eye can see, the 10-year budget projection, as we've talked about many times, Mr. MURPHY, was $5.6 trillion over 10 years. That was in surplus. If we had just kept in place the fiscal policies that we had at that time when President Bush put his hand on the Oath of Office—Bush 43—if we had just kept in place those fiscal policies, we could have nearly paid down the entire national debt as it existed to that time now 8 years later. But of course we didn't keep those fiscal policies in place, we went in a completely different direction, which is the way it works; when one party controls the White House, they implement certain policies, when one party controls Congress, they implement certain policies. When the same party controls both the White House and Congress at the same time—as happened during the first 6 years of President Bush's term—they chose to take the economy in a completely different direction, and boy did they ever. The economy went in a completely different direction than those four straight budget surpluses and one of the fastest periods of expansion and growth in economic history in America.

So now we find ourselves with a new administration. And yes, that administration has a Congress that is of the same party affiliation, and we will see how that plays out. But where I'm going with this, Mr. MURPHY, is, policy discussions in the future, you will be able to see very clearly what happened during the Clinton administration with the economy, what happened during the Bush administration; where did they begin, what did they leave their successor? And of course history has yet to be written about where President Obama leaves the economy. But I think it's safe to say it couldn't possibly be worse than what he inherited.

Mr. MURPHY of Connecticut. Would the gentleman yield? And you have to look at all of the different ways that we got here and all of the different ways we can start to repair this. And I just think of one right now. You talk about what would have happened if we just continued the policies of the Clinton administration. Obviously one of the things that changed the financial dynamic in this country is the fact that we decided to go wage a $700 billion war. And if that wasn't bad enough, we did it all off budget.

And that's one of the great untold stories of the Bush administration. No matter what you think about the war in Iraq—whether you think that we should have never gone, that we should have left earlier, that we should leave now, that we should stay for another 5 years—the fact was that maybe the first year of funding could have been deemed emergency off-budget funding, and maybe even the second year, but in the third and the fourth and the fifth and the sixth year, this wasn't a surprise to anybody. But one of the ways that we masked the amount of money that we were using for that war was we put it all off budget, and so it didn't make the annual deficit look as bad as it really was.

□ 1830

With one stroke of a pen, President Obama changed that. He said, you know what, no matter how bad it's going to make the numbers look on a yearly basis, we've got to start having some honest books here. We have got to start having some real accounting. So President Obama said, listen, from here on out, and he said this last night in his speech and he said it when he made this change in budgeting rules on Friday, we're going to put the cost of the war in both Iraq and Afghanistan online. It's going to be part of the budget; so we're going to have to pay for it. We're going to have to pay for it.

Now, frankly, Mr. ALTMIRE and Mr. BOCCIERI, when it comes to protecting the American people, I think people are willing to step up to the plate and make some sacrifices to do that. Now, we may disagree about what that entails, but in the days after September 11, this country was ready to step up and sacrifice. This country was ready to step up and pay for whatever it took to protect this country. And I really congratulate President Obama for stepping forward and saying, listen, yes, I want to get out of Iraq; yes, I think I need to step up our commitment in Afghanistan; but for however long that takes and however much it costs, we're going to do it in the confines of a budget. We're going to have an honest budget, an honest document. The American people are going to see the numbers however raw or bad or ugly they may be, but we're going to be honest about it.

And I think that's what people out there are asking for, Mr. ALTMIRE. I mean we're back in our districts every weekend, and as bad off as people are right now, as difficult as the times are, I think they're willing to sort of see a path forward. They know it's going to be hard, but they want to know how hard it is, how big the challenge is, and then they are, I think, ready to step up. But we've been masking the problem up until now. And I think President Obama has got some room right now in order to basically put it all on the table, be honest with the people about what the problem is, and then ask us to step up to the plate and solve it.

And he's facing right now Republican opposition, if I may make one more point, whose answer to every solution is let's do nothing. Everybody on the Democratic side has agreed or disagreed with different parts of the economic recovery strategy, but at least we're over here trying to think of a way out of this. The response from the other side has been essentially to just sit back and let the economy tumble into chaos. The American people want action. They want to know how big the problem is, and they want to step up to the plate and help solve it, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman.

And as I indicated earlier, one of the things that I think the American people find so troubling about the direction the debate is taking, let alone the policy implications, is exactly what the gentleman from Connecticut talked about, that there appears to be a strategy of betting on success for the Democratic side and the Republican side appears to be betting on failure. I will leave it to others to speculate on what their desire is for the outcome. We will trust their motivations, but they certainly think that we're in failure mode.

Now, I find that to be very troubling because I want to have a Congress that works together where all sides are heard. And President Obama made every effort to reach out to the Republicans and solicit their opinions. And I do think, Madam Speaker, that when you hear things like we heard earlier, a discussion on how this economic recovery plan that we passed was going to lead to government-run health care, well, there is no provision in that recovery plan that alludes to, relates to, correlates to, leads to government-run health care. It is not in the bill that we passed, which is now law. There is no provision for the field mouse in San Francisco that we heard so much about. There are no earmarks in the bill. We heard when the President referenced earmarks, there was derision from the other side last night during the President's remarks, which I think the American people find disingenuous because there are no earmarks in the bill. There are zero earmarks.

So when I'm thinking about how I'm going to vote and I'm thinking through what's in the bill and what my constituents want me to do and I have people weigh in with an opinion, one of the things I'm going to consider is what's their motivation in offering that opinion, but is it an informed opinion? And if an individual comes up to me and complains to me about field mice in San Francisco or earmarks in the bill or how the bill is going to lead to universal health care, it's pretty clear that person has either not been truthful about what's in the bill or not made an effort to learn what's in the bill. Neither of those leads to good policy decisions. And I think that's what the gentleman from Connecticut and I are getting to.

So I am going to have the very, very high honor at this time of doing something that we don't do very often here in the 30–Somethings. We have five core members, Ms. WASSERMAN SCHULTZ from Florida, Mr. RYAN from Ohio, Mr. MEEK from Florida, who are the leaders and the originators of the group from back before Mr. MURPHY

and I were able to win election to this House. Mr. MURPHY and I have participated and are going into our second term now. So we are very honored tonight, and as everyone knows, Madam Speaker, who watches this over the airwaves, we have just a tremendous fan base for the 30–Somethings. There are countless individuals.

Mr. MURPHY of Connecticut. At last count, Mr. ALTMIRE, it was up to seven.

Mr. ALTMIRE. A handful of people that do actually pay attention to the 30–Something Group. So for them this is a very exciting moment because we are tonight going to initiate a new Member into the 30–Somethings with his maiden 30–Something speech, a great Member also from Ohio; so he is very close geographically to both Mr. RYAN and my district, which is in Pennsylvania. And at this time for all of those 30–Something junkies that are out there and pay attention to what we have to say, the very small group that that is, I would turn it over to Mr. BOCCIERI from Ohio.

Mr. BOCCIERI. Thank you, Mr. ALTMIRE, and thank you, Mr. MURPHY, for allowing me to participate in this great experience of serving in the House of Representatives here. It's truly an honor and truly a privilege for a grandson of a carpenter and a coal miner and a steelworker, who my parents were the first in their families to go to college and I have two successful brothers. One's a chemist and a pharmacist and the other is in the military. So to serve here is truly an honor.

And, Madam Speaker, I will tell you that people are listening and they do care and they do want to learn about what we're doing here in the House of Representatives. And I said this when we were debating the American Recovery Act and the bill that was going to help put America first. We talked about how this great Nation is in a great recession and that we are finding ourselves in nearly almost double-digit unemployment in Ohio, a great State, a great manufacturing State that has suffered disproportionately to the rest of the country. We have seen jobs pack up and move overseas, families struggle. We have seen families lose entire pensions, lose their way in terms of finding health care for their family, being able to put bread on the table. And I will tell you the good people of Ohio want to work. They want a job. They want to punch a time clock. They want to carry a lunch pail because they believe that hard work and perseverance are what has built this country and made it strong and made it what it is today.

But yet we find the decisions that we have made here, and both Democrats and Republicans, in my humble opinion, share the culpability of this, but the decisions that we have made here need to empower our country, empower our workforce so that we can build roads and bridges and build the new technologies of tomorrow right here in our great State, like what is happening in Pennsylvania, like what is happening in Connecticut, in the northeast, in New Hampshire. All over this country, we have people who believe, like my grandparents did, that with a little bit of hard work and perseverance that America is the place where your hopes and dreams could be realized. And they played by the rules. They punched the time clock. They worked for 30 years at a steel mill. But yet when that company packs up and moves overseas and they give all the money back to the holders of their common stock and the like and those folks who have invested in the company, but yet the people by the sweat of their brow punched the time clock, helped build America for what it is today are left with nothing when that company packs up and moves overseas, like we have seen repeated over and over and over again in Ohio.

And it's time that our generation of Americans stands up and demands more and demands that we put America first, that we invest in our workforce, our greatest asset of people, that we invest in the things that are going to make our country and our economy stronger.

And I pledge to you, as a 30-Something here with this great, fine distinguished group of legislators, that we will work to find answers to things that plague America, that challenge America, but not answers that will divide us along a partisan divide because at the end of the day, these are not Democrat or Republican challenges, they're not conservative or liberal challenges; they're American challenges. And they deserve an answer from both sides of the aisle. But we can't have the same politics of yesterday if we are looking towards tomorrow. And that's what I hope this group speaks about. That is what I hope this group will continue to champion.

I have heard you on the floor before I was ever a congressman. I've seen both of you stand up for what is right and what is honorable for our country to move forward.

And as a matter of point for this Economic Recovery Act, I will tell you this: That I think America is obviously in a great recession, and we will be judged as Members elected to lead this Nation in two measures: by action or inaction. And I challenge my colleagues on the other side of the aisle who just want to talk about small parts of this bill that perhaps may draw a little bit of emotion but when you look at the entirety of the bill, it's about investing in our country, in our people, and what will make America and our economy stronger. And we will be judged by what we do, whether we act or whether we don't, whether we block or whether we lead.

But we didn't hear from those who are opposing this when we spent a trillion dollars in Iraq to rebuild roads and bridges over there to make sure that they have new wastewater treatment facilities, new hospitals. We didn't hear about the fact that we're spending unbelievable amounts of money to make sure that they have the access to capital over in this country. While they're running up surpluses with their oil revenue, we're running down deficits. And in 2004 former President George Bush's Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage. A trillion dollars, my fellow Americans, are over in Iraq making sure that Iraqis have universal health care coverage while we have families in Ohio that right now will not send their kids to the dentist because they can't afford it because they lost their job. There's a huge disconnect.

So we need to understand, are we going to block or are we going to lead? Are we going to invest in our people and in America or are we going to rebuild Iraq? This is a defining moment for our country because a trillion dollars invested in our country at the end of the day is going to make our country stronger.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, you're seeing on the ground in Ohio what Mr. ALTMIRE is seeing in Pennsylvania, what I'm seeing. People look at Connecticut sometimes and they have an image of Connecticut as one big suburb of New York and they think that we're all set and the economic downturn isn't going to affect a place like that. Let me tell you there are cities in my district, small cities of 50, 60, 70,000 people, that started this recession at 12 or 13 percent unemployment. That's what's going on even in Connecticut where you look at the per capita income across the board, and we are one of the wealthier States in the Nation. We have pockets of unemployment and poverty that will rival any other place in this Nation. They are cities in my district that used to be the brass city and the silver city and the hardware city, places that made things. Well, they don't make things anymore, in part because of the neglect that the prior administration showed for our manufacturing base as they allowed these jobs to bleed out into our foreign competitors. We didn't reinvest. We didn't protect our manufacturing base, but we also didn't try to find what was next.

And what President Obama talked about last night was, as I said at the outset, a twofold strategy. Let's put a plug in the dike right now. Let's stop this bleeding of jobs. This stimulus package that we supported is going to create or save 3.5 million jobs in this country, thousands of jobs in each of our congressional districts. But it's also going to start us on a path forward to try to replace a lot of the lost manufacturing base, much of which may not be coming back. President Obama said, listen, energy, clean, green technologies can be the future of this country, and he challenged us as a Congress to step up to the plate and chart a new path forward.

Mr. BOCCIERI, you rightly said that the real focus of this group, the 30-Something Group, needs to be on trying to talk about how we can come together. We would have loved for some of our Republicans to join us on the stimulus package that, by the way, in a new poll that came out has shown to be supported by 65 percent of Americans. By a 2–1 margin they support this stimulus bill. They are just as concerned about the debt as they are about any subject out there, but they recognize the need to do something right now.

□ 1845

And we came down here in the first days of the last session, as we pursued our ''100 Hours Agenda'' of starting to roll back a lot of the damaging policies of the Republican Congress. And we showed that, on bill after bill, we had Republicans supporting us on every single one of those measures, whether it was the minimum wage, whether it was the College Affordability Act, whether it was the stem cell legislation, the recommendations of the 9/11 Commission being implemented. We had dozens and dozens of Republicans supporting us on all of those measures.

And we are going to get that type of bipartisan cooperation again, because what we are going to put out there, what President Obama is going to place before the Congress is going to be an agenda for America, whether you are represented by a Republican or a Democrat.

So I know there is a lot of focus on the cable news shows right now, Mr. Speaker and my colleagues, on the division in this place. But I do believe, Mr. BOCCIERI, that we are going to chart a course forward, both in the short term and the long term, that can bring both of these parties together.

But we've got to convince our Republicans that the solution is not, as you put the dichotomy, inaction; that they have got to commit themselves, and the American people wants them to, to action. Once they do that, we will be able to forge a path together.

Mr. ALTMIRE. The gentleman was correct in pointing out where the middle-class Americans in this country were before this recession even started. And the economic policies that were in place actually led to a decrease in real dollars of median household income over the 8 years President Bush was in office. And that was the case even before the recession started in December of 2007, a real decrease in median household income over the term in office.

Now, that's not something that people in western Pennsylvania want to hear. That's something that was a cause of alarm that was not dealt with in previous Congresses or by the administration.

And, unfortunately, what we had was, in the early part of the administration especially, the enormous spending that took place, without pay-as-you-go budget scoring—which we have talked about many times—without that offset that says, very simply, you have to have money on one side of the ledger if you want to decrease revenue or spend more money on the other. It's a very simple concept. We all do it in our own home checkbooks and every business in America has to do it, balance budgets. If you want to spend more, you have to pay for it somewhere else in the budget.

Well, that wasn't happening, and the outrageous spending that took place, running up literally trillions of dollars in debt, was running the country on a credit card. We have talked many times about the policies that were put into place as a result of that, all the spending that took place. They were running the country on a credit card. Well, guess what? Like any credit card that any American would use, eventually the bill comes due. And that's what this recession is about. The bill has come due.

Now, with any credit card, there is interest that's accumulated with that. And we have talked before and it's incredibly important to the discussion to think about when you think, where are we going to go with this stimulus plan, is this the right course of action. One of the largest line items in the entire Federal budget is interest on the national debt. It's going to be somewhere in the neighborhood of $300 billion this budget year for just interest on the national debt—$300 billion. That's a lot of money. That's money that's going to interest.

And that's because of the decisions that had been made in the past, but there is nothing we can do about that. There is nothing we can do about what was in place when President Obama took office and when the 111th Congress took office. But what we can do something about is where do we go from here. So we have talked enough about how we got here. Where do we go from here?

It was the vast majority of the American people and certainly the majority of both the House and the Senate believed that the best course of action was to immediately inject some funding into the economy, yes, in the temporary way that's going to increase our debt even more, which is what we heard from the previous special order. But the cost of doing nothing would have increased the debt even more.

Because when you have a downward spiral in the economy like we have, when you lose 500,000 jobs in November, 550,000 in December, 600,000 in January, and you see that that is going to be the continuing process if we do nothing, those are people that are no longer taxpayers, because they are out of work. Those are people that, in many cases, are now receiving social services, often Federal money; that, instead of paying into the system, are receiving from the system by the hundreds of thousands every month with no end in sight, if we do nothing.

The economy, the economic slowdown, the lack of credit, the foreclosures that take place, all of that, along with unemployment, increases our debt more in the long term and even the short term than we had to do with our stimulus. So that's what that was about. It was about putting money back in the hands of the American people through tax cuts that affect 95 percent of the American people, a tax cut for 95 percent.

It's about putting money in every sector of the economy, spreading it and casting that net as wide as we possibly could to connect to every community in the country and make sure that they can share in the economic recovery that we hope this plan leads to.

There is no guarantee of what that level of success is going to be. In fact, there is no guarantee of success at all. We are very hopeful, but there is one guarantee: If we had done nothing, the situation would get worse. That is the guarantee.

Mr. BOCCIERI.

Mr. BOCCIERI. I agree with the gentleman from Pittsburgh. I have heard from all of our orientations and briefings that we received from nearly 200 economists, the most conservative to the most liberal, have all said that the United States Government has to do something.

And there's only two things that we can do. We can work with the administration and the Federal Reserve to manage interest rates so people can get an auto loan, so they can go and take out a student loan or go to college, or they can take out a mortgage and buy that dream home that they have always wished for, or we can inject huge amounts of capital into the market to help stimulate the economy, to help recover our economy. This isn't going to be the be-all and end-all of economic woes.

In fact, I have told many Ohioans that this will act as a backstop against further job loss and create jobs along the way and invest in America. And that's what it should be about.

I mean, leadership is about action, not just a position. Leadership is about action. And when we take action to invest in our people, invest in our roads, rebuild our bridges, rebuild our schools, and invest in what is our greatest asset, the American people, we are going to make our country stronger.

And Senator WEBB said in his book recently—I will throw him a shout-out here, you know, Senator WEBB said the health of a nation, the health of a society should not be measured at its apex or at its top, but at its base, at its base. Because that's where the majority of the people work every day to make the living, live the American dream. And they are what are America is about, the hope and promise of America that was often talked about on the campaign trail last year.

You know, I just look at my family's history. The hope and promise of

America is in my family. And they have worked so hard to allow that to happen, but they couldn't have done that without a strong government that understands that measured approaches to help put our people back to work, measured approaches that will invest in key things and strategic things that are going to make our economy stronger and our people stronger are about what we should do.

And I can tell you that when we look at this American Recovery and Reinvestment Act, it's just exciting what we are talking about doing here. And the President said this yesterday in his speech to the Nation, when he said that we are going to have a visionary approach to how we approach the 21st-century economy.

Those green energy jobs, that in 3 years we are going to double our green energy production. We are going to invest in plug-in hybrids like we are researching right here in the 16th Congressional District in Ohio. We are going to invest in fuel-cell technology like we are doing right in the 16th District in Ohio. And we are going to invest in biomass research like we are doing in the 16th Congressional District.

Those are going to create jobs back home. Those are going to put people to work, move away from our dependence on foreign oil. And God only knows that we need to move away from our dependence on foreign oil. Forty percent of our Nation's demand comes from the Middle East, and we allow our country to be subject to what OPEC decides for us? No, we can inject this capital to create the jobs of tomorrow and move away from our dependence by research and technology.

This is what we have done. This is what we have done to make our country stronger. So I submit to you that leadership is about action and not just position. We have to do something to make our country stronger.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, just to give you a little perspective on what the folks that are running local governments, the folks that are at the real foundation of our system that are struggling every day with this company going out of business or this company not being able to expand, let me tell you what they are saying, all right?

The mayor of Oak Ridge, Tennessee, Tom Beehan, says, ''The stimulus package is going to be huge for Oak Ridge. There is money in the stimulus package for environmental cleanup, and it's heading this way.''

The mayor of Columbus, Ohio, Michael Coleman, says, ''The stimulus package will stop the freefall, and it is going to lead to growth in the future.''

The Phoenix mayor, Phil Gordon, ''This will actually create jobs with the private sector in all different areas.''

Alabama State Representative Jimmy Martin says, ''Until the stimulus passed, Alabama was looking at laying off 8,000 teachers next year, increasing class sizes to historic proportions and, in the process, wiping out the progress we've made in the past 5 years. The stimulus package will change that reality.''

And the Wisconsin insurance commissioner, Sean Dilweg, says, ''We know the cost of health care premiums for unemployed workers makes it difficult for them to purchase coverage. The COBRA subsidy in the stimulus bill will make it much easier for families to continue their health care coverage.''

These are local leaders with boots on the ground talking about how this is going to affect their community. They are backed up, as I said, by the 65 percent of Americans, in today's survey, that support this bill as well.

And, Mr. BOCCIERI, talking again about that contrast between action and inaction, well, for those of us who listened not only to President Obama's address last night but listened to the Republican response, listened to our former colleague here, Bobby Jindal, give the response to that speech, well, you know, maybe we are not giving him enough credit, there were a couple of alternatives that they posed, but essentially the alternatives were to go back to the economic philosophy and the economic strategy that got us into this mess in the first place.

The alternative to our plan for action seems to alternate between inaction or a reversal back to the policies of the Bush administration; in effect, trying to use and leverage this economic crisis as a means to further decrease taxes for people in this country making enormous incomes who, frankly, right now in this moment of economic crisis, don't need that additional subsidy from the government.

I think, going forward, that we are going to have cooperation here. I think, as our friends on the other sides of the aisle do go back to their districts, they are going to hear a command from their constituents to come to the table and try to be a part of the solution. They are going to hear what I just enunciated for my colleagues from local officials who are crying out for this help in the private sector and, frankly, on the public side.

This package is going to predominantly, to a large extent, create jobs in the private sector. That's our focus right now. But it is also going to protect the jobs of some teachers and some firefighters and some cops out there that our communities badly need, Mr. ALTMIRE.

It's a prescription to get this economy back up and started towards recovery. Mr. BOCCIERI is right; you know, this isn't salvation, this is a life raft. This is something that is going to be able to bridge us to real recovery. And I hope that, in the end, we are going to get a little bit more bipartisan cooperation on it, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman.

Tomorrow, on Thursday, we expect the President to drop off his budget here in the Congress so we can all have a look at the details of the plan that were discussed last night.

And what I find so exciting and so refreshing about the approach that we are going to see with this budget is we are going to consider the economic policies, moving forward, in their entirety. What are some of the major issues that affect every family, every individual, every small business, every business in this country? Well, energy, health care, and education. Those are three things that have been neglected for a very long time in Congresses both Republican and Democrat.

But that is over, because we have a President, as we heard last night, who understands that the only long-term solution to the economic problems that we have today is to solve our energy crisis, our dependence on foreign oil that Mr. BOCCIERI referred to.

We have to find a way to improve our health care delivery system, to increase access, so that we don't have 43 million Americans that lack any health insurance, we don't have small businesses that experience double-digit cost increases year after year. Less than half of small businesses in the country are able to offer health care to their employees at all.

And by including in the discussion on the economy health care, energy, and education, we are taking a comprehensive look at the future of America, at the issues that are going to allow America to remain the preeminent Nation in the world for knowledge and innovation and technology.

And that's something that, by looking at it together, we are going to be able to continue that success, dig our way out of the ditch that we are in right now with the economy, but not forget about the issues that have to be a part of that, moving forward, including a look at government spending, as we have talked about, and the other policy issues.

Mr. BOCCIERI.

Mr. BOCCIERI. Thank you.

The gentleman from Pennsylvania is very appropriate in his remarks. And I will tell you that, you know, from a freshman's perspective, I think this bill that made it through the Congress was the eighth wonder of the world. And you out there listening may wonder why: Because there were no earmarks in the bill, and there were no earmarks to specific districts in the bill.

And I considered that the eighth wonder of the world, because Article I, section 1 of the Constitution said the Congress will make appropriations. We will appropriate the funds for the projects, for the public policy that we believe is most important to move our country forward.

We talked about financial stability a little bit, about how we need to make our economy stronger.

□ 1900

Well, it comes with prudent reforms that we need to make within Wall

Street, within the stock market, because it doesn't make any sense at all from this economics major at St. Bonaventure University, the fact that we are allowing speculators to drive our economy.

The laws of supply and demand have seemingly been thrown out the window, and we are allowing people to bet on the price of fuel going up, people to bet on the price of commodities going up, like grain and cereals and those sorts of things, bet on people foreclosing, bet on people failing to pay their mortgage. To me, that sounds like a recipe for disaster, and we need some stability in our financial markets, and we need an administration like President Obama is going to enact to make sure that the Securities and Exchange Commission and those regulatory agencies for our financial markets are going to do the jobs that we empowered them to do and to bring to justice those people who are manipulating the economy.

I can tell you that many people are struggling back home. In fact, people are working so hard. In fact, a recent study that was done late last year found that people of average means, average working-class families, are working 18 percent harder, yet their wages have started to decline and stagnate and go down while their tax burden has gone up.

Now, the top 1 percent of the country has seen their wages increase and their tax burdens reduced because of the last administration's policy that will reward the wealthiest of our country. Those folks who have the means to pay and help determine public policy for our country to invest in the things that are going to make our country stronger, we are giving them the breaks when we should be giving the breaks to the middle-class families. Remember what Senator WEBB said. The health of a society is measured not at its top, at its apex, but at its base, because it is the base that invests the most into this country.

I tell you, I was so proud to hear President Obama say and to be strong as our Nation's leader and perhaps the leader of the free world suggest that we will make it through this crisis. We will make it through this crisis. America has seen tough times before, and he said that the weight of this crisis will not determine the destiny of our Nation. And he was so right, that we have the wherewithal to get through this.

To my friends on the other side who are going to prepare their charts and graphs and talk about exploding Federal deficits, we need to understand that President Obama inherited this. He inherited $1 trillion that was spent on Medicare part D, but yet families and seniors back home still can't get their prescription drugs and pharmacies are struggling.

We spent $1 trillion in Iraq to rebuild roads and bridges over there. President Bush thought we needed to make that investment, to make sure that every man, woman and child in Iraq had universal health care coverage. We gave $1 trillion in tax cuts to the wealthiest Americans.

Well, it is time that we focus on the middle class, not on the apex, but on the base of our Nation, and we do that by investing in the people that have made this country stronger and will make this country stronger.

One last point I want to make here before we wrap this up this evening. We talk about the budget deficit. This country since its beginnings has carried some sort of debt, from the Revolutionary War on up through the present time we find ourselves.

In 1946, in 1946, after this country made it through the Great Depression and made it through World War II, the government was spending more and borrowing more than the economy could produce; spending more and borrowing more than the economy could produce. Right now we are at 38 percent of what the economy can produce. After this investment in America and we are on the road to recovery, we will be about 50 percent. We still have to pay this off, that is acknowledged, but we are in a great recession, and we will have the political will and the economic wherewithal to pay down this debt and get it closer to the margins that President Reagan saw back in the eighties, right around 28 to 30 percent. So we need to make those decisions. President Obama talked about that resolve. We will make it through this time.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, I think about a company in my district that makes parts for cosmetics containers. It is a company that has been profitable for years. It has had a solid line of business. In fact, during this difficult economic time, it has seen its orders drop off by a few points here or there, but has been stable, has had its revenues remain constant. Yet because the banking system is frozen up, because they can't get access to lines of credit and to inventory capital, they have shuttered that company. They have shut it down. They have temporarily furloughed all of their workers until they can hopefully figure out a means to start operations again.

To them, inaction is not an option. They have done everything right. They have kept their business running. They have struggled to contain health care costs, to get the costs of production down, to continue to reach out and grow their business, and yet they are laying off dozens of employees in my district because they can't get access to capital.

The people they are laying off have done everything that we have asked of them as well. They have shown up to work, made a great product, invested in their company, invested back in their communities. And now they are left without a job. Now they are left without health care. Now they are asking how they are going to be able to continue to pay for their child's education, where they are going to find the next job.

Well, similar companies all around my district and their town are doing the same thing, and they know that inaction isn't an option either. They are part of that 65 percent of Americans who want this Congress to move forward on a strategy of stimulus. We have to do something, because inaction, because ''nothing'' simply isn't going to be the answer for this economy.

For that one company, that story that can be told dozens of times over in my district, hundreds of times throughout Connecticut and thousands of times throughout this Nation, that strategy about taking on the lack of access to capital for businesses, that strategy of growing jobs as an alternative to the people who have been laid off, that is going to be the answer.

I am proud to be part of this Congress. I am proud to be ready to answer President Obama's charge that he left us the other night. And I am proud to be part of the 30-Something Group that over the course of the next weeks and months is going to challenge the country and challenge this Congress to come together and provide solutions for those very people.

Mr. ALTMIRE. I thank the gentleman. I will take the opportunity to wrap up.

We have, over the last two election cycles, heard the message from the American people. I think the first time around it was a referendum on the policies of the past, that they wanted to move in a new direction and they weren't happy with the way things had gone. But the second election, the one that we just came through several months ago, was about turning the country around and moving in a new direction, and that is what we have done. We can have disagreements. I am sure the gentleman from Texas is going to express some of that disagreement following us, which is great. That is what democracy is all about.

But I do want the American people to consider, Madam Speaker, that they have got what they voted for over the past two election cycles. They got a change in direction. They got new policies in this Congress, new policies at the other end of Pennsylvania Avenue. And we are all hoping for success. I am sure my friend from Texas is hoping for success as well. We need to turn the country around.

But I do want the American people to know that this Congress and the new administration are dedicated to moving this country forward, to implementing the changes that the American people voted for and asked us to engage on in their behalf.

So I would thank the gentleman from Connecticut and thank the gentleman from Ohio and welcome him to the 30-somethings. And I would say that any American who wants to learn more about Mr. BOCCIERI and the 30-Something Group can go to the House Web

site, which is speaker.gov/30something with the number 30, and learn all about our new member from Ohio and any other member of the 30-somethings they want.

Mr. MURPHY of Connecticut. We are hopeful that, eventually that Mr. RYAN and Mr. MEEK and Ms. WASSERMAN SCHULTZ, the veterans, will join us down here so that not only can the American people learn something about them on the Web site, but they can see them down here returned to their roots on the House floor as part of the 30-Something Working Group.

I thank the Speaker for giving us this time.

PAYING TRIBUTE TO THE LIFE OF GRAY PARSONS OF WILKES COUNTY, NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor a fallen hometown hero from Wilkes County in North Carolina. Gray Parsons, a Millers Creek firefighter, fell in the line of duty earlier this month while responding to a fire near Wilkesboro, North Carolina.

Parsons was a dedicated member of the North Carolina Forest Service's Fire Attack Support Team, where he had served for the past 10 years. His funeral was a tribute to his many years of service to the local community as local fire departments from across Wilkes County came out in force to honor Gray Parsons' life.

Many of Parsons' friends and family have said that giving his life in the line of duty was just how he would have wanted to go. He was a committed firefighter, a skilled chain saw operator, and an amazing wizard when it came to repairing anything mechanical.

He was generous with his always-ready smile and his hands were continually working to help others. His coworkers knew Gray Parsons as a man who was dedicated to his work. In fact, the day he responded to his final fire in Wilkes County was his day off, but he had spent the day helping his partner at the Forest Service finish a project. That was just the kind of person he was, generous, hard-working and committed.

The Wilkes community hailed Parsons as a model local hero at his funeral. His life inspired everyone who knew him for his kindness and indefatigable pride in his work and those he served.

He was a true American hero, an everyday man, who took pride in the uniform he wore and who loved to serve his community and protect those in danger.

He will be profoundly missed and will leave a gaping hole in the Wilkes County community, Forest Service and local first responders. My thoughts and prayers are with the friends and family of this great man who gave his life in the service of others.

TREATING ALL CITIZENS EQUALLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Madam Speaker, I thank you for recognizing me this evening.

I was real pleased to see our 30–Something Group over there has expanded their folks, a lot of new faces, and new faces are good for Congress. It is good to see them, and even though my in my opinion they are a little misdirected, they certainly are entitled to their opinion. I am not here to debate them tonight. Maybe some other night I might be here for that purpose.

Tonight I am here because I have been raising and talking about an issue here in the last couple of weeks, probably now going on a month, about a change in the tax law that I proposed in the form of a bill that I introduced here to instigate the ''Rangel Rule,'' which would allow ordinary citizens to be treated as nicely as CHARLIE RANGEL, the chairman of the Ways and Means Committee, who by his own admission on the floor of this House failed to pay taxes for a period of quite a long time, something like 10 years or better. But he did catch up on those taxes when he finally realized kind of, whoops, I messed up for about 10 years, and maybe I ought to pay these taxes. It may have been a longer period of time than that. I don't know. It is not really relevant to the issue. The issue is that he was not assessed any penalties or interest by the IRS.

I really have a hard time figuring that out, because I have talked to a lot of people back home in Texas who have like not filed their taxes on April 15th, but have gotten an extension, and they ended up filing like on August 15th or October 15th, which is not a real long delay, nothing to compare with like 10 years or 20 years or whatever the period was. But they all got assessed penalties and interest by the IRS, and we really don't like to think that just because somebody happens to be the chairman of the Ways and Means Committee that they should be treated any differently than, say, those folks back there that I talked to in Texas or the folks that have contacted me from all over the country on this issue.

So I have been raising that issue, and in all fairness tonight I want to be fair to Chairman RANGEL, because he is a man that, of course, this House highly respects. There are other issues that have to do with Mr. RANGEL. We may go into some of those tonight. But in all fairness to the chairman, maybe I should have expanded this rule a little bit, because there are others who have issues that need to be dealt with, at least talked about.

You know, the current Secretary of the Treasury, Tim Geithner, I guess he had some issues that he had with taxes too. His were very confusing to me, because the other day, I couldn't find the board tonight, but we had a picture of a letter that a company sent, a fairly sizable check around $30,000-plus that was sent to Mr. Geithner, telling him here was his money he was supposed to pay his taxes with, and he was signing, by the obligation of this form, he was obligating himself to pay his Social Security and Medicare taxes.

□ 1915

And that he, by the signing of this document said, ''I sure will. I promise you. I give you my word, that I will pay these taxes.'' And then, whoops, he just kind of let it slip his mind for about 4 years. And, in fact, it had completely slipped his mind until he became the subject of discussion in the United States Senate about whether or not he had a clear conscience to serve as the Treasury Secretary of the United States. At that point in time, he realized that, ''Uh-oh, I believe I forgot something. I believe I forgot to pay my taxes for 2001 and 2002 and 2003 and 2004 and maybe some more.'' And so he rushed in and he paid those taxes.

Now, he didn't pay them all because he was slick enough or smart enough or maybe good lawyer, if he's lawyer, enough to know that the statute of limitations had run on 2 years of these taxes he was supposed to pay. And so I think he relied upon that statute to prevent him from having to pay that amount of money. But he, like Chairman RANGEL, he did some hustling and some catching up, and he caught up and he paid his taxes.

Now, you know, it's real upsetting to the IRS when people don't pay their income taxes. They get real upset about it. But my experience of being a lawyer and a judge for, well, going on 30-something years is that they get particularly irritated when you don't pay the Social Security and Medicare taxes you're required to pay, because they kind of feel like that's a whole lot bigger crime than slipping up and miscalculating on your income tax.

And they get downright serious about that. I've seen them padlock people's businesses over failing to pay those taxes. I have a good friend that used to run a place called Big G's in Round Rock, and he got padlocked all the time back in the '70s when I represented him. And he always got slapped with heavy penalties and heavy interest.

But Mr. Geithner, Secretary Geithner, he finally paid some of those taxes, and he paid some taxes, some interest. But once again, just like Chairman RANGEL, he wasn't assessed any penalties for intentionally not paying his taxes. And I say ''intentionally'' only by the state of the evidence that has been presented and the fact that he signed a document addressed to the IRS in which he pledged to them that he knew that the check they had sent him was for taxes and he knew he was obligated to pay those things.

So, with that sworn statement, I think it's pretty fair to say he intentionally didn't pay his taxes. Now, you know, he may have had just a temporary lapse of memory, but let's hope not, because we really don't want to think that the man that's in charge of the monetary system of the United States has that kind of temporary lapses of memory. I mean, we, as American citizens, certainly don't look for that quality in a Treasurer. And so I think we ought to be concerned about that.

So I guess what I'm starting off to say here is that I don't want Mr. RANGEL to think that I'm just mistreating him by himself, because I really don't intend to do that. I really think it's time for us to look at all these issues that are ethical issues that seem to have come up in the majority since the Democrats have been in charge of this Congress.

And, you know, it's kind of funny. I think it's really amazing. There are polls that show that the American people really think that the Democrats have only been in charge of this Congress since President Obama got in office. But, I mean, that's a mistake. This is actually the third year that the Democrats have been in charge of this Congress. So those things that everybody talked about last year that they thought the Congress did very poorly, and many seem to point the fingers at the Republicans, at that time the Republicans were not in charge of this Congress. This was the Democrats' Congress. They are in charge of it. They decide what comes to the floor and what doesn't come to the floor. They set the policies of this Congress at this time, and they have for the last almost 3 years.

So back when the Republicans were in charge, they talked about a culture of corruption. I'm not talking about a culture of corruption yet, but I am talking about certainly some lapses in ethical behavior on behalf of our colleagues.

And as our President, who, by the way, made a very nice speech last night, and many of us were very taken back by his speech—and we all recognize his very good talent at speaking to the American public. President Obama is a very skilled speaker. And I sat right there in that chair right there, and I listened to the whole thing, and I was impressed.

But he's had a little problem with some of his people that he's gotten to go to work for him. Besides the ones that we just talked about—and Secretary Geithner got away with what he had to do. I guess if we're going to have the ''Rangel Rule,'' we might have the ''Geithner Getaway,'' because he certainly got away with not paying his taxes for a period of time.

But, you know, Secretary of State, who was a candidate for the President of the United States, Hillary Clinton, she also had some issues that people got concerned about and probably should be. Her husband's foundation, President Clinton's foundation, received over $500,000 in donations from foreign governments and foreign nationals, and we've asked President Clinton's wife, Secretary Hillary Clinton, to be our representative to those foreign nations. There are strict guidelines about accepting donations like this, but it seems that those restrictions didn't seem to apply to her.

Of course, she's been confirmed and she does represent us with all foreign countries and all the foreign representation in the world. She is our agent. She speaks for us. The question we have is, is it ethical to take donations from foreigners and then serve this Nation as our representative with foreign nations? Is that the right kind of behavior? Is that the ethics that this House ought to be standing up for and the Senate ought to be standing up for? Could there be a conflict of interest here that we really should have discussed? Because she's negotiating with nations, many of whom have contributed to a foundation which furthers issues that are important to Bill and Hillary Clinton.

So, you know, she's there, and I'm sure that she's going to do a good job. I certainly hope so. But I think we at least ought to ask these ethical questions about Secretary Clinton.

Governor Richardson from New Mexico was another one that the President of the United States thought would be an outstanding Cabinet member. He was man enough to actually pull his name down because there were being issues raised in New Mexico about payments of pay-for-play schemes with companies that were involved with the State of New Mexico. And rather than bring this ethical lapse to the forefront, he thought it was better if he just stayed in New Mexico and dealt with his issues there, rather than having to bring them up here to Washington. That's good. It's a good thing. It looks like, after two or three tries, we're finally going to hopefully get a Commerce Secretary here.

So the whole point of being here tonight is to point out that you're not hearing a lot about it but there are an awful lot of ethical lapses of judgment that are going on in the Congress these days. And they seem to be all coming from the ruling majority.

I see that I have a friend here that has joined me. He's always a good friend, and he always comes to my aid when I'm standing alone, and that's my good friend and classmate, Dr. BURGESS from Texas.

Dr. BURGESS, I'd like you to join me and give us your ideas on some of the subjects we're talking about and any other subjects you want to talk about. I'll yield you such time as you may choose to consume.

Mr. BURGESS. I thank the gentleman for yielding. And as always, it's a pleasure to join him on the floor of the House. He has such good ideas.

And, certainly, the concepts talked about tonight are something that have perplexed me, perhaps not the individuals involved, but the concepts involved have perplexed me for years, because our Tax Code is complicated. It turns out it's so complicated the chairman of the Ways and Means Committee, the committee that's charged with writing our tax laws in this country, they've written laws that are so complicated they can't understand them and they cannot follow their own law.

Now, the judge very kindly has introduced legislation that if we're going to grant dispensation to the chairman of the Committee on Ways and Means, perhaps we ought to grant that same dispensation to others who are at a less high station in life and perhaps find themselves just as unfortunate when trying to deal with our very complicated Tax Code.

The fact is, Madam Speaker, the Tax Code does not need to be so complicated. There are great ideas out there for simplifying the Tax Code. The good news is that 80 percent of the people in this country think that Congress ought to do something. They don't identify whether they think the Republicans ought to do something or the Democrats ought to do something, but Congress ought to do something about the complicated Tax Code that people have to follow.

We've got the chairman of the Ways and Means charged with writing the tax law, cannot follow the tax law because it is too complicated. We've got perhaps the smartest financial mind in the world, the man that was chosen as the President's Secretary of the Treasury, who has been charged with dealing with this very harsh financial environment in which we find ourselves, who, in spite of that high station in life and in spite of that keen, incisive intellect that is going to allow him to chart that course through these very turbulent economic waters, can't fill out his income tax, even when aided by TurboTax.

But I'm all about solutions, and I'm here to offer the solution that is going to uncomplicate the lives of these two very powerful and important public figures, public figures that we know we need to get us through these turbulent economic times.

Madam Speaker, I spent my life in health care. And we were deprived of one of the bright lights in health care, a former Senator, Tom Daschle, who had to withdraw his name from consideration because of difficulties with reporting taxes. And, quite honestly, it is difficult to know you have a car and driver that someone gives you, is that something you have to report as income?

We could simplify this process and eliminate these problems that would allow us many more great public servants to be able to come to the fore and help us with these vexing problems, economic turbulence and the difficulty with our health care system.

Now, I was a doctor back in Texas for over 25 years. You know, the old saying

goes, ''There's nothing as certain as death and taxes.'' But I will tell you that sometimes the taxes seem a lot more complicated than death. The Tax Code was created in this very body some 96 years ago, back in 1913. And it has grown from—you know, we talk about the length of bills today. In fact, we had one on the floor that stretched up halfway to the ceiling. But the initial Tax Code was 400 pages. Now the Tax Code stands at well over 67,000 pages, and the complexities are well-known. But they don't need to be there.

Part of the problem is, over the 96 years since the Tax Code was introduced, men and women on both sides of the aisle who were well-meaning have attempted just a little bit of social engineering into the Tax Code, and the result is this very complicated, complicated 67,000-page structure that we have in front of us today.

And it's creating problems for those of us who want to be in compliance with the law. We're desperate to be in compliance with the law. And every single American simply trying to comply with the law and fill out their taxes by April 15th is supposed to be familiar with all of those 67,000 pages of the tax rules.

□ 1930

Again, you consider a man as brilliant as the Secretary of the Treasury, Timothy Geithner. He couldn't understand and had difficulty filing his taxes. Well, you've got to wonder does your own tax attorney understand everything that's in those 67,000 pages, because when it comes to the Tax Code, ignorance of the law is no excuse. So we must fix the Tax Code.

Americans don't always see eye to eye on every issue. In fact, you saw evidence of that here last night, but again, 80 percent of the American people, according to American Solutions, think that the system of the way we go about filing and collecting our taxes needs major change. Everyone knows the problems. Every year, Americans waste billions of hours and billions of dollars complying with the complex Tax Code. In 2005, the average taxpayer paid almost $2,000 in household compliance costs. That means, you know, you've got to work several days a week just to pay the cost of paying someone to fill out your taxes because you don't want to make a mistake because things could go very badly for you. You might lose an opportunity to serve your government at the very highest level if you don't do this correctly.

I brought a little poster to share with the Congress. Again, I'm doing this in the spirit of generosity in offering a possible solution. I realize there are other solutions out there, and by no means do I intend to disparage other solutions that people are willing to talk about, but this is just one idea that's out there.

It was developed by my predecessor, Congressman Armey, when he was in the House of Representatives here for many, many years. He wrote a book called the Flat Tax, and I remember buying the book in 1995. I believed in the book. I thought, certainly, by 1996 or 1997 that Majority Leader Armey would have had that enacted into law. We sit here now over a decade later. It's time. It's time for just this type of change. Let's go through it. It's so simple, Madam Speaker.

It's just a little bit of personal information: Name and Social Security number; a spouse, if you have one, and the Social Security number; you write down your income, your personal exemptions; you add a couple of lines; you calculate the tax; you multiply it by the taxable income calculation—17 percent in this legislation that I introduced last week that, interestingly enough, is called H.R. 1040. It makes it easy to remember.

So, if you're following along at home and are wondering what is this panacea for our tax problems, H.R. 1040: calculate your taxes; calculate the refund; send it in. What did it take? All of 30 minutes—30 seconds. I beg your pardon. We have trouble with zeros here in this Congress. It takes all of 30 seconds, and you're done.

You don't have to keep that shoe box full of receipts. You don't need to go online and download a program that you don't understand. You don't need to have the concern that you filed a tax return that is in error and that you're going to be held accountable for that. No more expensive tax attorney bills. The hours of stressful research into preparing your taxes, think of what Americans could do with those hours if they were no longer bound to their desks in their houses, really, literally between now and April 15. There's no telling how many nice spring weekends are going to be spent sifting through that shoe box full of receipts. No more of Congress' picking one special interest group over another to reward in the Tax Code, and no more potential leaders of the free world who'll be having to pull their names out of contention because they can't comply with a very complicated Tax Code.

So, again, I come here tonight in the spirit of goodwill, in the spirit of offering solutions. We should be about solutions.

One of the things on the bill that I introduced, H.R. 1040, is a flat tax, but I'll have to say that Congress doesn't always know best, and I trust the American people to know best in their situations. If a family has constructed its finances around the IRS code, it would be wrong for Congress to simply come in and change all the rules of the game all at once. So this tax would be optional. People would have a period of time when they could opt into a flat tax. If they'd constructed their family's finances around the complicated Tax Code and they wanted to continue to file under the Tax Code, they could do so, but boy, if they're ready to kick that shoe box of receipts over into next week and take that weekend off that they were going to spend doing their taxes, that would be their choice. We should give Americans the power to choose, the power to make that choice as to whether or not they would like to opt into a fair or flatter tax.

A flat tax would be much less costly. Taxpayers could save $100 billion a year just on the cost of compliance. The result in increased personal savings would be a stimulus package that could have an immediate effect on the American economy.

Well, Madam Speaker, we live in a very political time, and this concept that I'm offering tonight is done in the spirit of offering solutions, in the spirit of cooperation to Members on both sides. I encourage people to look at H.R. 1040. Give me your ideas. Certainly, the bill has been introduced. Cosponsors are on the bill even as we speak, so there is an opportunity for other Members of Congress to cosponsor this legislation.

Again, you think of the difficulties the judge has already pointed out. He has had to introduce a bill called the Rangel Rule so the poor, little guy in his district who gets caught in the tax trap can at least have the same consideration in the tax courts that we gave to the chairman of the Ways and Means Committee.

We've got the Geithner getaway. We've had the Daschle dodge. All of these issues could have been avoided if we would have simplified the Tax Code. It is within our power to do it. The American people are looking to us for solutions. They're not looking for partisan rhetoric. They're not looking for one side to gain an advantage over the other. They want us to work together on big issues like this. Eighty percent of the American people feel that the simplification of the Tax Code is something that is well-nigh due for the American landscape—filling out your taxes on a postcard, making it simple, giving that time back to your families. Yes, people need money nowadays, and the economy is rough, but boy, if you can give people back time, that is extremely, extremely significant. So we're going to give back money and time with a simplified tax form.

Madam Speaker, I am so grateful to my friend from Texas for yielding me time to talk on this very timely and important subject. We're just a few weeks away from the tax filing deadline, and many of us are going to lie awake at night and are going to wonder: By golly, am I going to have to file for the Rangel Rule because I made a mistake on my taxes, and now someone may be coming after me?

Fortunately, they've got Judge CARTER looking after them, and the gentleman from Texas has introduced his very forthright legislation, so we're trying to protect you on both sides. Maybe this is a preventative medicine flax tax where you won't even have the problem, but the judge has the remedy

if you've gotten into difficulty with the Rangel Rule and with the Geithner getaway.

I appreciate the judge's holding this hour tonight.

Mr. CARTER. Reclaiming my time for questions to my colleague.

First off, I'm very aware that my colleague has been a strong proponent of the flat tax as we've been here in Congress, and I appreciate his coming up again and giving us his special message about what he sees as a solution to this problem. If I could ask you a question, Dr. BURGESS:

On the issue of Senator Daschle, who took about $180,000 worth of car rides or something, would this form solve that problem? Would that still be income to Mr. Daschle under the flat tax?

Mr. BURGESS. You know, Judge, you've asked a very good question. My understanding is it would not. We would simplify his life by his not having to keep up and keep tally. Everything that was offered as part of his compensation package would be considered under the 17 percent flat tax.

Mr. CARTER. That's the answer. I was wondering about that because it sure would have helped Senator Daschle in his quest to serve at the cabinet level of this administration if he hadn't had to claim those things, but of course, I guess we know under the present Tax Code—and most everybody knows—that if somebody spends money on your behalf, you gain benefit from spending money on your behalf.

I mean most all of us around here have to catch a cab every now and then. Shoot, it doesn't take any time at all before you run up a $15 or $20 cab fare. So I guess, in having a car drive you all over town for several years, you ought to kind of in the back of your mind figure that somebody's paying for this, and it's certainly not you, and they're doing it on your behalf, and you're getting the use of it, so maybe you ought to at least think about the fact that it ought to be income to you in some form or fashion.

It certainly was a benefit. I think that maybe Senator Daschle ought to be jumping up and down to be promoting the flat tax over with our colleagues on the other side of the aisle so he can, maybe, stay out of this kind of trouble the next time he comes along and somebody wants to make him one of the Secretaries of our administration.

I guess Mr. Richardson could have some benefit from the flat tax, and Mr. Geithner might even have some benefit from the flat tax. In fact, you've come up with a solution, and I want to thank you for coming up with solutions. Now, I have some friends who would argue that the fair tax also would be a solution, but we won't go into that today.

Mr. BURGESS. If the gentleman would yield, that is a fair observation. Again, by coming here tonight and talking about something that has been important to me for well over a decade, by no means do I mean to say that this is the only concept that's out there. There are other people who have good concepts. We ought to have the debate as a body and take good ideas from all within the body and come up with the answers to the tough questions. This is what the American people sent us here to do. If we can find a better way, if we can deliver time and money to the American people, then we should do so.

Mr. CARTER. Reclaiming my time, Dr. BURGESS, in a sense of fairness to our colleagues, I've come up with the Rangel Rule.

Do you think that I should seek to amend the legislation to expand the definition or the title of this rule where it's not just all on poor Chairman RANGEL's back? Maybe we could call it the Rangel/Geithner/Daschle/Who is Next Rule on paying taxes.

Mr. BURGESS. Well, if the gentleman would yield, he has posed a question that is technically very complex, and as just a simple country doctor, I'm probably not qualified to render an opinion on the title of his legislation.

Mr. CARTER. Truly, it's not a good night to go into the complexities because I think everybody knows it's pretty simple, that if you have to pay penalties and interest when you fail or if you just make a mistake on your income tax—and my colleagues who sit around this House would be in that same boat, I assume, because they're not the chairman of the Ways and Means Committee—then maybe the chairman of the Ways and Means Committee ought to pay those penalties and interest, too. If he doesn't, then maybe none of us should.

That's the whole idea behind the Rangel Rule. It's a simple rule. Just write at the bottom of your tax form ''wish to exercise the Rangel Rule,'' and all penalties and interest would be excused. What a joy that would be for so many taxpayers in the United States. It would be a bipartisan effort because it wouldn't just be for Republicans or Democrats or even Independents. It would be for everybody.

Mr. BURGESS. If the gentleman would yield, I love the spirit of forgiveness that he has embodied within this legislation.

Again, my purpose in being here tonight was to offer a possible solution. I think Members of Congress should be about solutions. The American people want to see us be about solutions. This is one that is widely embraced and polls very well, but I would yield the floor back to the judge, and would certainly, again, thank him for his forthrightness and for his leadership in holding this special hour tonight.

Mr. CARTER. Well, I appreciate your coming back up here and telling us about the flat tax. I think the flat tax is a concept that all Americans, no matter what party they're a part of, should at least have the patience to take a look at. The flat tax is for the simplification of the public's life because, really and truly, we spend overtime around this place complicating Americans' lives. I believe they would be blessed to no end if we would just spend a little time de-complicating their lives.

This last week, in fact, I got off the phone tonight. A fellow asked me about that stimulus package. He said he watched JOHN BOEHNER drop that thing on the floor here and scare everybody in the room. He wanted to know was that really the stimulus package or was that just something he dropped to get people's attention. I said, ''No, that was it,'' and that was very complicated.

I think, honestly, everybody would say that, in the 12 hours that that stimulus package was available to Republicans and to many Democrats, nobody, even the best speed reader wasn't able to read that almost 1,100 pages and decipher what it meant. Unfortunately, I happen to be a fellow who has had to deal with deciphering what the law means for a long time.

□ 1945

And some of the Federal laws are written in such a way that, you know what? It takes an act of Congress to figure them out, as we say back down in Texas, because they are very complicated, and we complicate people's lives. So the flat tax may be an idea whose time has come that we won't complicate people's lives.

The purpose of talking about all of these issues that concern the ethical behavior of this House is because it has been the subject of the 30-Something Group which preceded me here for at least 4 years that I know of. I have sat in the chair where the Speaker is sitting right now and heard the 30-Something Group accuse people in this House of corruption. I haven't accused anyone of corruption because I think, actually, that's beyond the pale of what Members of Congress should do.

I just said that there is ethical lapses that have to be discussed, and if they turn out to be more than that, that's for someone other than me to discuss. That's for someone like the Ethics Committee or the Justice Department to deal with, but not for me to deal with.

I'm certainly not accusing anyone of corruption here tonight. But I am very concerned that we put sunlight on the types of behaviors where Members of Congress have failed to do the responsibilities that we tell the American citizens is their responsibility as a citizen—that is, pay their taxes and pay them on time. And yet they don't suffer the penalties that the average taxpayer suffers for failing to do that. That's the purpose of me being here today.

I'm really pleased to see my friend from California (Mr. DREIER) here. I hope he will talk to you and share some of his wisdom on the issues of ethics.

I know you served in this House for many, many years, and you've dealt

with these issues over and over. And I'd like to yield you what time you'd like to use here.

Mr. DREIER. Mr. Speaker, I thank my very good friend and colleague.

I've heard two Texans up here talking about not only the issue of ethics but also tax reform. And I'd like to take a few minutes to talk about a proposal that I put forward that I believe will go a long way towards dealing with a lack of compliance, which is an issue that we are regularly addressing, and something that there has been very little talk about, and that is the issue of economic growth.

We've talked about saving our economy. We've talked about working towards recovery. But it seems to me, Mr. Speaker, one of the important things that we need to focus on is economic growth itself. And, frankly, if we had a tax code that is like the one that my friend, Mr. BURGESS, was just talking about a little earlier, I think that many of the problems that we have with people who have not complied with the Tax Code would, in fact, be diminished.

As my friend said, he's not accusing anyone of ethical violations as he's standing here, but we do know this: with a tax code that is as voluminous as it is, it encourages a lot of the behavior that we have. And I think what we need to do is simplify it.

On the opening day of this Congress, I was privileged to introduce, as I did in the last Congress, what I call the Fair and Simple Tax Plan, F-A-S-T, which is FAST. And I think there is so much common sense to this. And I know that, having two very distinguished gentlemen from Texas, common sense is in great abundance in Texas. And I will admit it is, on occasion, lacking in my State of California. But remember, we've got common sense in California, but we have, on occasion, not enough common sense. But it seems to be very abundant in Texas, and even in North Carolina. I see my colleague from North Carolina here, and I think it's abundant there.

But I do believe, Mr. Speaker, that as we look at a commonsense approach to deal with the issue of economic growth—which, again, should be a very important driving factor for us here because we're not simply talking about stemming the downturn, we're not talking about, you know, our attempt to recover. We need to have policies that create bold, robust economic growth, and we can do that.

So let me take a moment, if I might, Mr. Speaker, and talk about the Fair and Simple Tax Plan.

What it consists of is taking the six rates that we have today and it cuts that in half down to three rates. The first rate, which is the income on the first $40,000, would be a flat 10-percent rate. Then, for income between $40,000 and $150,000, the rate would be 15 percent. And the flat rate for income above $150,000 would be a 30-percent rate.

Now, I know a lot of people say, ''Why don't we just do a clean, simple flat tax and have that be it?'' Well, there are a number of things and challenges around here, a number of areas that are really sacrosanct.

People always talk about the need to deduct the interest on their home mortgage, right? When we talk about a flat tax, the red flag seems to go up and they say, ''What about the deductability of interest on home mortgages?'' Well, under the Fair and Simple Tax Plan—which, again, was introduced on the opening day—we maintained the opportunity for people on a single-page form to deduct the interest on their home mortgages.

And what else is very important and sacrosanct to people, and that is to be able to make charitable contributions. So we maintained the deductability of charitable contributions.

And one of the things that President Obama spoke here in this Chamber about last night was the issue of health care and the challenge that exists there. We all know that we need to take action. So the Fair and Simple Tax Plan includes a $15,000 exclusion so that people can purchase either direct health care or they can purchase insurance. And, again, it incentivizes them to do that.

Then it deals with issues that have been heavily debated here. One of the things that people are concerned about regularly are jobs leaving the United States and going overseas. Our constituents talk about that with regularity.

A lot of people make what I believe is a misplaced claim that somehow embarking on trade agreements, which simply open up new markets, that causes the flow of jobs out of the United States into other countries. Well, the fact is it's not trade agreements, Mr. Speaker, that do that. What it is is it's the fact that the United States of America has a tax, a tax on businesses, the job creators in this country, that is second only to Japan. And under the Fair and Simple Tax Plan, we slash that tax from 35 percent to 25 percent. Again, as you talk to those job creators out there, that would go a long way towards encouraging economic growth.

And then the capital gains rate. Well, people say, ''What capital gains do we have today with this market downturn?'' We need to look long-term. We need to look at what we want. And we want greater economic growth and to reduce that top rate on capital gains from 20 percent to 15 percent rather than increasing it, as I believe action that would go a long way towards encouraging economic growth and it would help us deal with the flow of revenues that we will need for much of the spending that is taking place.

And we all acknowledge, well, the stimulus package went way, way, way overboard with $800 billion and a thousand pages. We were passing that thing around as we were debating it the other day, those of us who could catch it and could throw it with 1,100 pages.

The fact is we all recognize that infrastructure spending is essential, very, very important for the goods' movement and other things here. But we could do that for significantly less than the $800 billion that is in this so-called stimulus bill.

So we need revenue to be generated, and I believe that slashing the top rate on capital gains, taking that rate on job creators, on businesses, from 35 to 25 percent, would go a long way towards creating economic growth, which, therefore, would create the flow of revenues that we need to meet a lot of these essential items that are out there.

Mr. Speaker, the other thing that it does is that it completely eliminates the inheritance tax, the death tax, throws it out the window. We all know that for people who have to go to a funeral home and then deal with the Internal Revenue Service within a matter of days is a challenge. I have had to go through this. It's very painful. That tax is very, very punitive. It's forced people to have to sell businesses and others just to meet that tax obligation that is there.

Right now that tax rate has been 45 percent, and it had been 55 percent. And I believe that if we could completely eliminate that, that would, again, create a tremendous opportunity for growth to take place. A lot of small businesses would be saved.

And all of this is done within the context of a single-page form, throwing the complex code that we have out, and the taxpayers would have the option of going to this Fair and Simple Tax Plan.

I think that that's the kind of creative proposal that we need to take on to deal with the challenge of economic growth, which I think should be priority number one as we seek to deal with the economic downturn that we have.

I also want to say that on the overall issue of ethics, I'm very proud—there are a lot of people who have said on this issue that when we Republicans were in charge, we did next to nothing on it. Well, as my friend knows very well, when Republicans were last in charge, we put into place very, very strong—a very strong ethics reform package.

We dealt with a lot of these issues, and it hasn't gotten the kind of attention that I believe we need to get. Why? Because people have constantly engaged in attacking Republicans. And, obviously, there has been corruption on both sides of the aisle. A very, very bipartisan thing, tragically, has been that corruption has existed on both sides of the aisle.

But I do want to make sure that the record is clear that we, when we were in the majority, spent an awful lot of time addressing that issue, and we put into place with some bipartisan support, I think, very good ethics reform.

But especially at this time—and my friend is absolutely right. We need to make sure that a good example is set for the American people because we are going through a tough time. The President made it so clear. His opening remarks last night were so on target, about the fact that people have sleepless nights, the fact that people are anguishing over this. This notion of a high school student opening that envelope and having to put that acceptance letter back into the envelope, as the President said so well here last night, is the kind of story we hear with great regularity.

And I, the other day here on the floor, shared an even greater tragedy. A very good friend of mine told me that his 14-year-old son's best friend's father had just committed suicide because of the serious economic downturn that we have faced. And I've talked to a number of people, and the suicide rate has continued to climb as it relates to the economic challenges that we have.

That's why I continue to believe that even though we've passed this so-called economic stimulus package—which, from my perspective, I hope and pray, we all hope and pray, that it brings us out of the downturn that we're going through right now. But, frankly, if one looks at history, it is proved to have failed.

Now, in special orders, a number of us have been regularly quoting Secretary Morgenthau. Henry Morgenthau was the Treasury Secretary under Franklin Delano Roosevelt. And in 1939, Secretary Morgenthau was testifying before the House Ways and Means Committee. And in his testimony before the House Ways and Means Committee, he said the following—now, remember, this is Franklin Delano Roosevelt's Treasury Secretary. I've read the card so many times, I've got it now committed to memory.

He said, ''We have tried spending money.'' Again, this is testimony before the Ways and Means Committee. ''We have tried spending money. We have spent more money than we have ever spent before. Now, after 8 years of this,'' the Roosevelt administration, ''we have an unemployment rate that is just as high today as it was when we started, and we have an enormous debt to boot.'' That's what the Secretary of the Treasury of Franklin Delano Roosevelt said in testimony in 1939 before the House Ways and Means Committee.

I got to thinking about this the other day, and I believe that we should look to another Democratic President as our model for economic growth, that being John F. Kennedy. So, over the weekend, I started reading up about Douglas Dillon, who was the Treasury Secretary under John F. Kennedy. He put into place bold, robust, dynamic economic growth policies through tax cuts that took the top rate from 90 to 70 percent and had a capital gains reduction. And it unleashed tremendous growth, a surge in the flow of revenues in the Federal Treasury.

Similarly, I was very honored to be elected to this Congress, as my friend said correctly, a long, long time ago. 1980 is when I was privileged to be elected, the same day that Ronald Reagan was elected to be President. And Ronald Reagan inherited a tremendous—a very, very difficult economic time. The unemployment rate was very, very high. Interest rates were approaching 20 percent. We had inflation very high. It was a very, very, very challenging time economically for our country.

And what was it that was put into place, I should say not just a few weeks after he became President, as has been the case here, but after 6 months of going through a very deliberative process? We put into place in May of 1981 what was known as the Gramm-Latta budget package that reduced the rate of spending by the Federal Government by 17 percent. And in August of 1981, we put into place the Conable-Hance tax package, which reduced marginal rates and doubled the flow of revenues to the Federal Treasury through the decade of the 1980s.

□ 2000

Yes, there was a great deal of spending—a lot of spending on defense, a lot of other spending that took place from this Congress—but we still saw that surge in the flow of revenues to the Federal Treasury.

So we have the ideological bags of the past. Secretary Morgenthau referred to the fact that they spent more money than they ever spent before, and yet they had an unemployment rate that was as high as when they started. And we had John F. Kennedy and Ronald Reagan, who has these bold, dynamic, robust marginal rate reduction packages that created a surge and flow of revenues to the Treasury by reducing marginal tax rates. That's what we should be doing today. And I think that using things like our fair and simple tax plan as a model for that would help us deal with the challenges that we have.

I thank my friend for the hard work that he has put in on a wide range of projects. I'm pleased to sit with him in the leadership of this great institution. We meet regularly and sit next to each other in those meetings, and he always has a very, very insightful and thoughtful proposal on a regular basis. And I believe that it really stems from what I began talking about, and that is that Texas common sense. So I thank my friend for yielding.

Mr. CARTER. And I thank you for your comments, my friend from California. Mr. DREIER, as we have well seen, is very knowledgeable in the concepts of this House and how it operates, and the history of this House and what the history tells us.

I want to thank both my colleagues for coming out here today. And, quite frankly, we have been asked by and challenged by the administration to put forth ideas. I would hope that the White House is monitoring what was said by both of my colleagues here tonight as some ideas that ought to be looked at and considered. We really do want to work with the administration and share ideas. And we would really like to have a world where nothing is off base, because obviously the two parties disagree on a lot of policy, but a free flow of information and ideas is what the American people expect us to do. And I think we heard two gentlemen tonight who put forth different, but similar, ideas as to how to simplify our lives and how to turn things around.

To me, bipartisan is not, ''here's our bill, if you vote for it, we're bipartisan.'' Bipartisan is, we sit down and we discuss the issues, sometimes one at a time. And when we conclude, we hear both sides, and then people are willing to give and take to make it work.

You know, if the President of the United States told us when he was elected that he was vehemently opposed to earmarks, that he was going to do everything he could to get rid of earmarks, and if he finds spending in a bill that everyone would acknowledge is an earmark and he chooses to veto that bill because it goes against what he told the American people his principles were and the Republicans help support that veto because they agree with the principles that he put forward, that is certainly bipartisanship—and that opportunity may actually arise over the Omnibus bill that we passed today with the 9,000 some odd earmarks that are contained therein. So that's bipartisanship. Listening to what Mr. DREIER and Mr. BURGESS have to say and not dismissing it out of hand, that's bipartisanship.

And so, that's kind of an aside from what I'm here to talk about tonight. But I'm really grateful for my colleagues to come in here and put these ideas out on the table because I think they're good ideas. And I don't necessarily agree completely with every one of them, but I'm certainly willing to listen. And I think our President has told us he is willing to listen. And I take him at his word. I think he is, and I hope he will. And I feel good about it; I think he will.

Now, I've talked about ethical issues tonight, I'm going to talk about them some more because there's a lot more that we can talk about. And they are issues that are important. And I'm trying to be friendly about it, but make no mistake, I have spent 26 years of my life making sure that the laws of my State are abided by. And people who violate those laws, after all of their rights are protected under the Constitution, if they are convicted of doing something wrong, I honestly believe they should be punished. And I've been involved in that also.

So, although I try to be friendly about this discussion—and I will continue to try to be friendly because the American people are tired of mean

spiritedness—I want everyone to understand that, from my personal belief, everyone is entitled to their day in court, everyone is entitled to be presumed innocent. I'm not making accusations that you should consider convictions. But should there be a conviction, I believe that this body is not above the law, and we should keep it that way. And I will pledge myself to do so. And I think every Member of this body would feel the same way. And that's why these little ethical slips give the impression that somebody might be above the law.

We are a nation of laws, we are not a nation of men. And being a nation of laws, we expect everyone, no matter what their status, to abide by those laws. This body is a body of rules, and we expect Members of this body to abide by those rules; and the failure to abide has consequences.

So even though I'm trying to be as friendly as I can on these issues, I want everybody to understand that those are principles that this country stands on and that this body stands on, and I intend to make sure that those principles stand firm. I think my colleagues across the board, both sides of the aisle, in their heart of hearts will agree with me. And I think it was a right policy when a Member, even though a close, personal friend of mine, was accused of something, that under our rules he had to step down until his issues were resolved. And I think it's unfortunate that the Democrats, under their rules, don't take the same position; that if a serious accusation of misbehavior or breaking the law is raised against a Member in the form of an indictment, that that person has to step down from positions of leadership. Both sides should have the same rules. Unfortunately, we don't have it that way.

Still, I defend every person's right to be presumed innocent until proven guilty beyond a reasonable doubt. And I will stand for any Member of this House, no matter what his party affiliation, to preserve that right on his behalf because I have preserved that right on behalf of thousands of people who were convicted by a jury of their peers of heinous crimes, and yet that was a right guaranteed by our Constitution. It's a right guaranteed to our Members. So make no mistake, I make no accusations of guilt because that's not appropriate under our system, but I do raise questions of ethical lapses, and I will continue to do so.

I thank the Speaker for allowing me to speak here tonight. I'm going to yield back my time now. And I want to thank my colleagues who joined me here tonight. And we will be doing some more of this, and I hope other colleagues will join us and give us their ideas.

RECESS

The SPEAKER pro tempore (Mr. HIMES). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 9 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–21) on the resolution (H. Res. 190) providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PERRIELLO (at the request of Mr. HOYER) for the week of February 23 on account of family illness.

Mr. KLINE of Minnesota (at the request of Mr. BOEHNER) for today after 3:30 p.m. and the balance of the week on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HARE) to revise and extend their remarks and include extraneous material:)

Mr. HARE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KISSELL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 3 and 4.

Mr. JONES, for 5 minutes, March 3 and 4.

Mr. WOLF, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Ms. JENKINS, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

661. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense (DoD) Installations [DoD-2006-OS-0041; 0790-AI35] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

662. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a report of the Strategic Materials Protection Board meeting on December 12, 2008, pursuant to Public Law 109-364, section 843; to the Committee on Armed Services.

663. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-8055] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

664. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No.: FEMA-B-1027] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

665. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

666. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Changes For Certain Disclosures — received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

667. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 [FNS-2006-0035] (RIN: 0584-AD47) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

668. A letter from the President and CEO, Corporation for Public Broadcasting, transmitting the Corporation's annual report regarding the activities and expenditures of the independent production service, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

669. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 19-08 informing of an intent to sign a Memorandum of Understanding among the United States and the United Kingdom concerning Operations and Support of Advanced Extremely High Frequency Military Satellite

Communications; to the Committee on Foreign Affairs.

670. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on gifts given in Fiscal Year 2008, pursuant to Public Law 95-105, section 515(b)(2); to the Committee on Foreign Affairs.

671. A letter from the Director of Legal Affairs and Policy, Office of the Federal Register, Administrative Committee of the Federal Register, transmitting the Committee's final rule — Availability and Official Status of the Compilation of Presidential Documents [A.G. Order No.: 3036-2009] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

672. A letter from the Acting, Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification [FAC 2005-29, Amendment-2; FAR Case 2007-013; Docket 2008-0001; Sequence 3] (RIN: 9000-AK91) received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

673. A letter from the Director, National Gallery of Art, transmitting the Gallery's report on public-private competitions in FY 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

674. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

675. A letter from the Acting Assistant Administrator fof Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard Guidlines [Docket No.: 070717348-81398-03] (RIN: 0648-AV60) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

676. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 071106673-8011-02] (RIN: 0648-XM68) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

677. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish of the Gulf of Alaska [Docket No.: 080721859-81514-02] (RIN: 0648-AX01) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.: 071106671-8010-02] (RIN: 0648-XM77) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

679. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, national Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits; Correction [Docket No.: 080302360-7686-03] (RIN: 0648-AT91) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, national Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Bering Sea Pollock Total Allowable Catch Amount; Correction [Docket No.: 071106673-8011-02] (RIN: 0648-XM47) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

681. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report prepared by the Office of Community Oriented Policing Services (COPS) containing information on every grant, cooperative agreement or programmatic services contract awarded during fiscal year 2008, pursuant to Public Law 107-273; to the Committee on the Judiciary.

682. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Federal Civil Penalties Inflation Adjustment Act — received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

683. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) [CMS-1561-IFC2] (RIN: 0938-AP59) received February 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

684. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Final Report to Congress on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration, Phase I and II,'' pursuant to Public Law 105-33, section 4207(e); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 190. Resolution providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability (Rept. 111–21). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California (for herself, Mr. ROGERS of Michigan, Ms. MCCOLLUM, Mr. HINCHEY, and Ms. CORRINE BROWN of Florida):

H.R. 1165. A bill to develop capacity and infrastructure for mentoring programs; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H.R. 1166. A bill to amend title 18, United States Code, to provide for more effective enforcement of the Federal prohibition on the interstate shipment of stolen property, and for other purposes; to the Committee on the Judiciary.

By Mr. CARNAHAN (for himself and Mr. SCHOCK):

H.R. 1167. A bill to direct the Secretary of Transportation to conduct a program to demonstrate the use of asphalt produced with an asphalt binder made from biomass in highway construction projects; to the Committee on Transportation and Infrastructure.

By Mr. BOOZMAN:

H.R. 1168. A bill to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1169. A bill to amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affairs to disabled veterans for specially adapted housing and automobiles and adapted equipment; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1170. A bill to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1171. A bill to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1172. A bill to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; to the Committee on Veterans' Affairs.

By Mr. ELLSWORTH (for himself and Mr. JORDAN of Ohio):

H.R. 1173. A bill to amend title 18, United States Code, to combat, deter, and punish individuals and enterprises engaged nationally and internationally in organized crime involving theft and interstate fencing of stolen retail merchandise, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1174. A bill to establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 1175. A bill to amend title 10, United States Code, to authorize taxpayers to designate a portion of their income tax payments to a National Military Family Relief Fund to be used by the Secretary of Defense to assist the families of members of the Armed Forces who are serving in, or have served in, Iraq or Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a

period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself, Mr. PRICE of Georgia, Mr. MCKEON, Mr. LINDER, Mr. BROWN of South Carolina, Mr. BONNER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. SESSIONS, Ms. FALLIN, Mr. HERGER, Mr. SHADEGG, Mr. BRADY of Texas, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. ISSA, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. JORDAN of Ohio, Mrs. MYRICK, Mr. FLEMING, Mrs. BLACKBURN, Mr. CONAWAY, Mr. MCHENRY, Mr. COLE, Mr. GOODLATTE, Mrs. BACHMANN, Mr. WAMP, Mr. BACHUS, Mr. NEUGEBAUER, Mr. ROONEY, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. LEE of New York, Mr. PITTS, Mr. BARTLETT, Mr. MCCAUL, Mr. BOEHNER, Mr. GINGREY of Georgia, Mr. PENCE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. HARPER, Mr. KINGSTON, Mr. CRENSHAW, Mr. COBLE, Mr. HELLER, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. SIMPSON, Mr. SOUDER, Mr. SMITH of Nebraska, Mrs. SCHMIDT, Mr. AKIN, Mr. SULLIVAN, Mr. HENSARLING, Mr. CULBERSON, Mr. BOUSTANY, Mr. PUTNAM, Mr. MANZULLO, Mr. FLAKE, Mr. MACK, Mr. MCCLINTOCK, Mrs. LUMMIS, Ms. FOXX, Mr. SCALISE, Mr. OLSON, Mr. BARTON of Texas, Mr. COFFMAN of Colorado, Mr. INGLIS, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. CASSIDY, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. SCHOCK, Mr. CAMPBELL, Mr. CALVERT, Mr. LATTA, Ms. JENKINS, Mr. STEARNS, Mr. ROE of Tennessee, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Pennsylvania, Mr. CARTER, Mr. PAULSEN, Mr. POSEY, Mr. DEAL of Georgia, Mr. BUYER, Mr. THORNBERRY, Mr. LUCAS, Mr. TIBERI, Mr. SHUSTER, Mr. TIAHRT, Mr. UPTON, Mr. LATHAM, Mr. JONES, Mr. BILBRAY, and Mr. GARRETT of New Jersey):

H.R. 1176. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. MOORE of Kansas (for himself, Ms. JENKINS, Mr. TIAHRT, and Mr. MORAN of Kansas):

H.R. 1177. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Financial Services.

By Mr. DENT (for himself, Mr. BARTLETT, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. CUELLAR, Mr. HOLDEN, Mrs. BLACKBURN, Mr. DUNCAN, Mrs. EMERSON, and Mr. BRADY of Pennsylvania):

H.R. 1178. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. STUPAK, and Mr. HOLDEN):

H.R. 1179. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tickborne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Mr. NEUGEBAUER:

H.R. 1180. A bill to amend the Emergency Economic Stabilization Act of 2008 to prohibit the Secretary of the Treasury from receiving common stock or certain other voting stock under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. ACKERMAN (for himself and Mr. CASTLE):

H.R. 1181. A bill to direct the Securities and Exchange Commission to establish both a process by which asset-backed instruments can be deemed eligible for NRSRO ratings and an initial list of such eligible asset-backed instruments; to the Committee on Financial Services.

By Mr. CARTER (for himself, Mr. BOEHNER, Mr. EDWARDS of Texas, Mr. ROGERS of Michigan, Mr. RODRIGUEZ, Mr. BOOZMAN, Mr. MCCAUL, Mr. HOLT, Mr. BLUNT, Mr. CUELLAR, Mr. SCALISE, Mr. DEAL of Georgia, Mr. DENT, Mrs. MYRICK, Mr. COBLE, and Ms. GRANGER):

H.R. 1182. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

H.R. 1183. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. CASSIDY:

H.R. 1184. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Ms. CASTOR of Florida:

H.R. 1185. A bill to amend the Public Health Service Act to provide for a competitive loan repayment program for primary care physicians who commit to volunteering part-time at community health centers; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. CANTOR, and Mr. WOLF):

H.R. 1186. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Virginia or to house such individuals at such facilities; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 1187. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself, Mr. SESSIONS, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. GRAVES, Mr. WILSON of Ohio, Mr. LANGEVIN, Mr. HOLT, Mr. RYAN of Ohio, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. SCHIFF, Ms. DELAURO, Mr. FARR, Mr. CHANDLER, Mr. LOBIONDO, Mr. MCCAUL, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. KLEIN of Florida, Mr. DENT, Mr. KUCINICH, Mr. CARSON of Indiana, Mr. KENNEDY, Mr. BOUSTANY, Mr. SIRES, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. SENSENBRENNER, Mr. MARCHANT, Mr. GERLACH, Mr. COURTNEY, Mr. SOUDER, Ms. ZOE LOFGREN of California, Mr. MASSA, Ms. MCCOLLUM, Mr. HARE, Ms. SCHWARTZ, Mr. BISHOP of New York, Mr. HINCHEY, Mr. BURGESS, Mrs. BACHMANN, Mr. LANCE, Mr. GENE GREEN of Texas, Mr. PRICE of North Carolina, Mr. PASCRELL, Mr. CASTLE, Mr. KILDEE, Mr. WILSON of South Carolina, Mr. WU, Mr. SMITH of New Jersey, and Mr. PLATTS):

H.R. 1188. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself and Mr. KENNEDY):

H.R. 1189. A bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to provide medical assistance for men and women screened and found to have colorectal cancer or colorectal polyps; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. ROSS, Mr. STUPAK, Mrs. EMERSON, Mr. DEFAZIO, and Mrs. LUMMIS):

H.R. 1190. A bill to promote the use of certain materials harvested from public lands in the production of renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. MORAN of Virginia, Mr. DICKS, Mr. BLUMENAUER, and Mr. GENE GREEN of Texas):

H.R. 1191. A bill to amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. SALAZAR):

H.R. 1192. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. COURTNEY):

H.R. 1193. A bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. CANTOR, Mr. ROSKAM, Mr. LOBIONDO, Mr. GRIJALVA, Mr. PAUL, Mr. GUTIERREZ, Ms. SUTTON, Mr. YOUNG of Alaska, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. HOLT, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. HONDA, Mr. HOEKSTRA, Mr. HINCHEY, Mr. SHERMAN, Mr. ROHRABACHER, Mr. CUMMINGS, Mr. SCHIFF, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. PAYNE, Mr. HINOJOSA, Mr. OBERSTAR, Ms. BALDWIN, Mrs. BONO MACK, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. DOYLE, Ms. NORTON, Mr. ANDREWS, Mr. EHLERS, Mr. BLUMENAUER, Mr. ROTHMAN of New Jersey, Mrs. LOWEY, Mr. PASCRELL, Mr. CARNAHAN, Mr. WILSON of South Carolina, Mr. GORDON of Tennessee, Mr. SHIMKUS, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. BOOZMAN, Mr. BACHUS, Mr. MCINTYRE, Mr. KENNEDY, Mr. FILNER, Mr. LATHAM, Mr. KING of New York, Mr. WEXLER, Mr. SPACE, Mr. CROWLEY, Mrs. MYRICK, and Mr. KIND):

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. LEE of California, Mr. MASSA, and Mr. LUETKEMEYER):

H.R. 1195. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California (for herself and Mr. WAMP):

H.R. 1196. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; to the Committee on House Administration.

By Mr. MITCHELL (for himself, Mr. ROE of Tennessee, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Ms. WATSON, Mr. MICHAUD, and Mrs. TAUSCHER):

H.R. 1197. A bill to assign a higher priority status for hospital care and medical services provided through the Department of Veterans Affairs to certain veterans who are recipients of the medal of honor; to the Committee on Veterans' Affairs.

By Mr. MORAN of Virginia:

H.R. 1198. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 1199. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. ENGEL, Mr. FARR, Mr. HINCHEY, Mr. KUCINICH, Mr. DICKS, Ms. LEE of California, and Mr. OLVER):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 1201. A bill to increase the safety for crew and passengers on an aircraft providing emergency medical services; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN (for himself and Mr. ROYCE):

H.R. 1202. A bill to require a report on business and investment climates in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VAN HOLLEN (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. HOYER, Mr. GRIJALVA, Mr. HOLT, Mr. PLATTS, Mr. MORAN of Virginia, Mr. LYNCH, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Mr. SARBANES, Mr. RUPPERSBERGER, Ms. NORTON, Mr. YARMUTH, and Mr. DAVIS of Illinois):

H.R. 1203. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. ADERHOLT, Ms. BALDWIN, Mr. BARTLETT, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOUSTANY, Ms. CLARKE, Mr. COBLE, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mr. FARR, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JONES, Mr. LOEBSACK, Mr. MCHUGH, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. PAUL, Mr. ROE of Tennessee, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. WELCH, Mr. WILSON of Ohio, Mr. HALL of Texas, Mr. DRIEHAUS, Mr. PLATTS, and Mr. TAYLOR):

H.R. 1204. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act; to the Committee on the Judiciary.

By Ms. GRANGER (for herself and Mr. KENNEDY):

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. MACK, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. POE of Texas):

H. Con. Res. 61. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation's continued membership in the G8 should be conditioned on its compliance with its international obligations and commitment to democratic principles and standards; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. WATERS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. WAXMAN, Ms. EDWARDS of Maryland, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. WATSON, Mr. SERRANO, Mr. KUCINICH, Ms. BALDWIN, Mr. HASTINGS of Florida, Mr. CUMMINGS, Ms. MCCOLLUM, Ms. BORDALLO, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. NADLER of New York, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. BUTTERFIELD, Mr. PAYNE, and Ms. SCHAKOWSKY):

H. Con. Res. 62. Concurrent resolution supporting the goals and ideals of ''National Black HIV/AIDS Awareness Day''; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself, Mr. ELLISON, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCGOVERN, Ms. BALDWIN, Mr. CONNOLLY of Virginia, Mr. HONDA, Mr. HOLT, Mr. CARSON of Indiana, Mr. FILNER, and Mr. STARK):

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that the United States should provide, on an annual basis, an amount equal to at least 1 percent of United States gross domestic product (GDP) for nonmilitary foreign assistance programs; to the Committee on Foreign Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H. Res. 188. A resolution honoring the service, courage, and sacrifice of the Seawolves of Helicopter Attack Light Squadron Three; to the Committee on Armed Services.

By Mr. FLAKE:

H. Res. 189. A resolution raising a question of the privileges of the House.

By Mrs. DAVIS of California (for herself, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. COHEN, Mr. GERLACH, Mr. FARR, and Mr. HINCHEY):

H. Res. 191. A resolution expressing support for the designation of May 2009 as ''National Link Awareness Month'' and recognizing the link between animal cruelty and other forms of societal violence; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. CONYERS, Ms. BORDALLO, Ms. GIFFORDS, Mr. BOSWELL, Mr. KENNEDY, Mr. MCGOVERN, Mr. GENE GREEN of Texas, Mr. SESTAK, and Mr. GORDON of Tennessee):

H. Res. 192. A resolution recognizing National Nurses Week on May 6 through May 12, 2009; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Res. 193. A resolution expressing support for National Facial Protection Month; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HASTINGS of Florida, Mr. MURPHY of Connecticut, Mr. BERRY, Mr. COURTNEY, Mr. MCGOVERN, Mrs. DAVIS of California, and Mr. HONDA.

H.R. 25: Mr. GRAVES.

H.R. 28: Mr. TIBERI.

H.R. 31: Mr. LINDER and Mr. CROWLEY.

H.R. 116: Mr. YOUNG of Florida.

H.R. 147: Ms. MATSUI and Mr. SESTAK.

H.R. 155: Mr. WITTMAN.

H.R. 156: Mr. SCALISE.

H.R. 179: Mr. GENE GREEN of Texas and Mr. GUTIERREZ.

H.R. 331: Mr. GRIJALVA.

H.R. 336: Mr. COSTA, Ms. KAPTUR, Mr. SESTAK, Ms. WATSON, and Mr. FALEOMAVAEGA.

H.R. 345: Ms. MCCOLLUM, Mr. WILSON of Ohio, Mrs. BONO MACK, Mr. BURTON of Indiana, and Mr. ROTHMAN of New Jersey.

H.R. 347: Mr. ARCURI, Mr. MCINTYRE, Mr. BARROW, Mr. MATHESON, Mr. CHANDLER, Mr. CHILDERS, Mr. POMEROY, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERSON, Mr. TAYLOR, Mr. CARDOZA, Mr. GRIFFITH, Mr. MINNICK, Mr. HILL, Mr. MELANCON, Mr. SALAZAR, Mr. TANNER, and Mr. KRATOVIL.

H.R. 391: Mr. DAVIS of Kentucky and Mr. ADERHOLT.

H.R. 392: Mr. TIM MURPHY of Pennsylvania and Mr. GARRETT of New Jersey.

H.R. 450: Mr. HOEKSTRA, Mr. HELLER, and Mr. GARRETT of New Jersey.

H.R. 463: Ms. LINDA T. SÁNCHEZ of California and Mr. COURTNEY.

H.R. 468: Mr. WELCH.

H.R. 476: Mr. HASTINGS of Florida, Mr. HONDA, and Mr. MCNERNEY.

H.R. 512: Mr. GONZALEZ.

H.R. 548: Mr. SESTAK.

H.R. 577: Mr. SESTAK, Ms. BERKLEY, Mr. MCGOVERN, Mr. HOLT, and Ms. KILPATRICK of Michigan.

H.R. 600: Mr. CONNOLLY of Virginia, Ms. LEE of California, Ms. CLARKE, and Mr. THOMPSON of Mississippi.

H.R. 614: Mr. CANTOR, Mr. GUTHRIE, Mr. WHITFIELD, and Mr. ROGERS of Kentucky.

H.R. 618: Mr. MCDERMOTT and Ms. CASTOR of Florida.

H.R. 624: Mr. MCHUGH, Mr. STARK, and Mr. TERRY.

H.R. 627: Mr. BERMAN, Mr. INSLEE, and Mr. GONZALEZ.

H.R. 645: Mr. GERLACH.

H.R. 666: Mr. FILNER.

H.R. 667: Mr. CARSON of Indiana and Mr. STARK.

H.R. 669: Ms. WOOLSEY.

H.R. 699: Ms. SHEA-PORTER, Mr. ELLISON, and Mr. PALLONE.

H.R. 707: Mr. LINDER, Ms. GIFFORDS, Ms. HARMAN, Mr. ALEXANDER, Mr. REHBERG, Mr. TIM MURPHY of Pennsylvania, Mr. FATTAH, Mr. THOMPSON of Pennsylvania, Mr. MCCLINTOCK, Mr. SHIMKUS, and Mr. MORAN of Kansas.

H.R. 812: Mr. BOOZMAN and Mr. SIMPSON.

H.R. 816: Ms. JACKSON-LEE of Texas, Mr. WAMP, Mr. WOLF, Mr. CLAY, Mrs. MCMORRIS RODGERS, Mr. PLATTS, and Mr. LYNCH.

H.R. 847: Mr. LANCE.

H.R. 853: Mr. FORTENBERRY and Ms. KAPTUR.

H.R. 906: Mr. HONDA.

H.R. 913: Mr. SESTAK, Mr. PAYNE, Mr. HINOJOSA, and Mr. GRIJALVA.

H.R. 927: Mr. BOUSTANY and Mr. MCINTYRE.

H.R. 930: Ms. KAPTUR.

H.R. 939: Mr. SESSIONS, Mr. GOODLATTE, and Mr. YOUNG of Florida.

H.R. 946: Mr. BURTON of Indiana and Ms. FOXX.

H.R. 950: Mr. SMITH of Washington.

H.R. 958: Mr. CARSON of Indiana, Mr. KUCINICH, Mr. DOGGETT, and Mr. MASSA.

H.R. 968: Mr. SMITH of Nebraska, Mr. LUETKEMEYER, and Mr. WESTMORELAND.

H.R. 980: Mr. SIRES, Mr. WEINER, Mr. ELLISON, Mr. MCNERNEY, Mr. DOYLE, and Mr. CLAY.

H.R. 995: Ms. DEGETTE, Mr. KENNEDY, Mr. SESTAK, and Mr. WEINER.

H.R. 997: Mrs. BIGGERT, Mr. LEE of New York, and Mr. KING of New York.

H.R. 1006: Mr. SMITH of New Jersey.

H.R. 1016: Ms. JACKSON-LEE of Texas, Mr. KAGEN, Mr. BOSWELL, and Mrs. NAPOLITANO.

H.R. 1066: Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Ms. BORDALLO, Mr. HINCHEY, Mr. STARK, Mr. THOMPSON of California, Mr. MCNERNEY, Ms. SLAUGHTER, Ms. SPEIER, Mr. HOLT, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Mr. LEVIN, Mr. OBEY, Mr. PAYNE, Mr. SKELTON, Mr. LEWIS of Georgia, Mr. CARDOZA, Ms. DEGETTE, Mrs. DAVIS of California, Ms. HARMAN, Mr. DELAHUNT, Mr. ABERCROMBIE, Ms. Velázquez, Mr. COSTA, Mr. EDWARDS of Texas, Ms. GIFFORDS, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. SCHIFF, Mr. POMEROY, Mr. SERRANO, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Ms. BERKLEY, Mr. PASTOR of Arizona, Mr. BECERRA, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Ms. WATSON, Ms. MATSUI, and Ms. RICHARDSON.

H.R. 1067: Mr. BILIRAKIS, Mr. WALZ, Mrs. NAPOLITANO, Mr. GERLACH, Ms. WOOLSEY, Mr. KENNEDY, Mr. WESTMORELAND, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1081: Mr. TAYLOR and Mr. WHITFIELD.

H.R. 1086: Mr. WITTMAN and Mrs. BIGGERT.

H.R. 1106: Mr. LEVIN.

H.R. 1134: Mrs. BIGGERT.

H.R. 1136: Mr. MANZULLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Polis of Colorado, Mr. CUMMINGS, Mr. MURTHA, Mr. GERLACH, and Mr. HOEKSTRA.

H.R. 1147: Mr. FORTENBERRY, Mr. CLAY, and Mr. INSLEE.

H.R. 1151: Mr. COURTNEY.

H.R. 1152: Mr. COURTNEY.

H.R. 1153: Mr. COURTNEY.

H.R. 1154: Mr. COURTNEY.

H.J. Res. 21: Mr. GALLEGLY and Mr. FILNER.

H. Con. Res. 14: Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. TIBERI, Mr. GONZALEZ, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. PUTNAM, Mr. MEEKS of New York, Mr. FARR, Mr. BOSWELL, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. PLATTS.

H. Con. Res. 21: Ms. MATSUI, Mr. BRIGHT, Mr. ORTIZ, Mr. NYE, Mr. TAYLOR, Mr. BOREN, Mr. JOHNSON of Georgia, Mrs. DAVIS of California, Mr. ROTHMAN of New Jersey, Mrs. EMERSON, Mr. THOMPSON of Mississippi, Mr. CHILDERS, Mr. DAVIS of Illinois, Ms. SCHWARTZ, Mr. WALZ, Mr. SPACE, Mr. POMEROY, Mr. HILL, Mr. MASSA, Mr. DONNELLY of Indiana, Mr. COHEN, Mr. TANNER, Mr. SHULER, Mr. GRIFFITH, and Mr. HINCHEY.

H. Con. Res. 48: Mr. COHEN, Ms. KILROY, Mr. SERRANO, and Ms. WOOLSEY.

H. Con. Res. 55: Mr. BARTON of Texas, Mr. TOWNS, Mr. BOSWELL, Ms. FOXX, Mr. SHERMAN, Mr. RANGEL, Mr. LINDER, Ms. WATSON, Mr. RYAN of Ohio, Mr. ROHRABACHER, and Mr. POE of Texas.

H. Res. 47: Mr. SESTAK, Mrs. MILLER of Michigan, and Ms. MOORE of Wisconsin.

H. Res. 81: Mr. HILL.

H. Res. 86: Mr. REYES.

H. Res. 146: Mr. LEWIS of Georgia, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. HOLT, Mr. HINOJOSA, Mr. LUJAN, Mr. POLIS of Colorado, Mr. CARDOZA, Mr. WALZ, Mr. MEEKS of New York, Mr. FILNER, Ms. DEGETTE, Mr. ELLISON, Mr. SCOTT of Virginia, Mr. LOBIONDO, Mr. PLATTS, and Mr. PETERS.

H. Res. 160: Mr. GENE GREEN of Texas.

H. Res. 173: Mr. YOUNG of Florida and Ms. PINGREE of Maine.

H. Res. 174: Mr. BERRY, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Mr. ISRAEL, Mr. MCHUGH, and Mr. LAMBORN.

H. Res. 178: Mr. CARSON of Indiana.

H. Res. 180: Mrs. CHRISTENSEN, Mr. MEEK of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 182: Ms. DELAURO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Conyers or a designee to H.R. 1106, the Helping Families Save Their Homes Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1106

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1: Strike sections 101, 103, 105, 106, and 107 of the bill (and make such technical and conforming changes as may be appropriate).

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, FEBRUARY 25, 2009 *No. 33*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, by Your will we came into being, and at Your command, when the right hour is come, we shall one day leave this world. Let Your spirit lead our Senators today. May they increase in self-forgetfulness, in simplicity, in courage, and in trust, so that each day they will approach nearer to Your likeness. Lord, help them to offer themselves afresh to be used in Your service. Show them Your way and may they obey Your presence. Give wisdom to the perplexed, fresh vigor to the discouraged, and a clearer vision to all who seek Your will.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of S. 160, the District of Columbia House Voting Rights Act. Rollcall votes are expected to occur today and tomorrow in an effort to advance this bill to passage this week so we can turn to the consideration of the omnibus appropriations bill next week.

Mr. President, you will note that we have had no morning business. The reason for that is we are very in tune to finish this legislation. I want everyone to have ample opportunity to offer any amendment that they want on this bill. There should be no excuse. We have got all morning, all afternoon, all evening, all day tomorrow, but we are going to finish the bill one way or the other.

I hope we can do it the right way, the easy way, so we do not have to file cloture on it. This is a bill that should advance. Senator LIEBERMAN is so knowledgeable about Senate procedures that he will protect everyone's rights. But we cannot imagine what the amendments are going to be; they have to be offered. We have heard a lot of talk about amendments being offered, some germane, some not germane. But let's get it done and move on.

I do not want to have to file cloture on this bill. There is no reason to file cloture. If people have amendments, they want to improve the legislation, let them offer the amendments. But if we do not have a lot of activity on this legislation, I will file cloture today for a Friday cloture vote. If we are unable to complete action on the bill tomorrow, Senators should be prepared to vote on Friday, even though it was previously announced that there would be no votes on that day. So everyone should be alerted that we may have votes on Friday.

There is no reason in the world that this simple piece of legislation cannot be completed. I am surprised we have to go into this tomorrow, quite frankly. We should finish it today—that would also be good—and we could do our work that we have scheduled for the weekend, and we could move this bill so we can start on that on Friday, because, as I said yesterday, we have to complete action on the omnibus spending bill by next Friday, the reason being that the continuing resolution runs out at that time.

Senator COCHRAN and Senator INOUYE have worked hard to get the bill to this point. It has been available for everyone for days now. It is on our Web site. Everyone can read every word of it. All of the so-called earmarks, the congressionally directed spending are there. We can look at them, know who asked for them.

The earmarks are down by 50 percent from what they were. The amount of dollars in earmarks, congressionally directed spending, is way down from 4 percent to 1 percent. So let's move forward on the legislation we are dealing with here today and get this done as quickly as possible.

Because this is a 6-week work period, we have a lot of work to do. Some of us were out late last night at President Obama's speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 160, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 160) to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair. I thank the majority leader for his statement on this bill, S. 160, the DC House Voting Rights Act. I think he got right to the point. This measure has been before Congress for quite a long time. The bill before us is the result of a bipartisan compromise that was worked out in the House of Representatives last year between Delegate NORTON and then-Congressman Tom Davis.

There are questions about the bill. Obviously, there are different points of view. I am very grateful that yesterday 62 Members of this body, including 8 Republicans, voted to stop a filibuster to invoke cloture to get to this bill. I think people are ready to debate it on its merits.

I feel very strongly that this bill rights a historic injustice. It is hard to believe, when you stop to think about it; maybe we become accustomed to things and forget how unacceptable they are and how unaccustomed we should be, but 600,000 Americans are deprived of having voting representation in the Congress of the United States because they happen to live, of all places, in the capital of this greatest democracy in the world.

There are a lot of historic reasons for this originally, but then they became political reasons, frankly partisan. But none of them holds any real sway against the ideal that animates our country. This is a representative democracy. And finally the residents of the District got a delegate in the House, but the delegate cannot vote.

Think of it. If any one of us, the 100 of us who are privileged to be Senators were told for some reason that we could be Senators, we could represent our States, we could participate in debates, but then when the roll was called, we could not vote—it is unbelievable. This is what we have done to the 600,000 residents of the District of Columbia and to their Delegate in the House.

This bill would right that wrong. I would say that few, if any, of our colleagues would argue that somehow the status quo is acceptable; that is, that 600,000 people do not have a voting representative in Congress.

We are the only democracy—and, of course, we believe we are the greatest democracy in the world. Historically, we began the moment of democracy throughout the world. We are the only democracy in the world where the residents of our capital do not have any voting representation in Congress.

So I think, generally speaking, Members of the Senate understand and accept the injustice of the status quo. The objections are primarily constitutional as I have heard them. I believe the arguments on behalf of the constitutionality of this proposal are strong and convincing, certainly to me.

My cosponsor of this legislation, the distinguished Senator from Utah, ORRIN HATCH, who has, generally speaking, been acknowledged as a wonderful lawyer, a great constitutional scholar, in fact, has written an essay for the Harvard Law Journal, making the case for the constitutionality of this proposal. I commend that to all of our colleagues, particularly those who have doubts about the constitutionality of this measure.

But I honestly think that most people have accepted the injustice question. The constitutionality, okay, let's have some amendments. As Senator REID said, we have got today, tomorrow. We are here. Let's have some amendments and put it in issue, give the Senate the choice that deals with the constitutionality. Some think there ought to be a constitutional amendment to achieve voting representation in the Congress. I do not think that is necessary.

Some think the District of Columbia, the residents should, for purposes of representation in Congress, become part of Maryland or Virginia. There is some historical precedent for that argument, way back. Let's debate it. But let's get it done. This measure has strong support and it has the urgency of justice delayed about it.

So the question before the Senate, as it so often is, are we going to face the differences here and debate them and then have a vote so we can conclude this debate and go back to our States Thursday evening and have a good weekend with our constituents at home or are we going to delay this and use this as a vehicle for unrelated matters that will achieve nothing? That, as usual, is the challenge before us.

I am here, and I look forward to colleagues coming as soon as possible to speak, and hopefully to offer amendments, with the goal that Senator REID has set—we can finish this goal by tomorrow, Thursday. Senator REID has made it clear that if he gets the sense during the day today that there is going to be delay, and there are amendments that are not relevant to the bill, he is going to file cloture. That will mean we will have to stay here on Friday to vote on cloture, and we will not be able to finish this bill presumably until the first part of next week. I hope that does not happen. Please come to the floor and let's talk about it.

I do want to, while I have a moment—I am sure Members are rushing from their offices right now to come to the floor to offer amendments—I do want to talk for the record about the interesting compromise that Delegate NORTON and Congressman Davis achieved last year, and this answers the question of: Why Utah?

This bill would increase the size of the House of Representatives to 437, adding two new Members to the House. This is quite historic both in terms of righting the injustice suffered for now more than two centuries by the residents of our Nation's capital, but also that we are adding Members to the House of Representatives. That does not happen too often in our history.

One of those seats would go to the District of Columbia, the other as part of the compromise would, for the next 2 years, until the reapportionment of the House that will follow the 2010 census, go to Utah. I would say to clarify, that after the 2010 census, the District would retain its seat because of the injustice that we are correcting. But the second seat would go to whichever State deserves it; that is, according to the population found in the 2010 census.

So let me explain why Utah now. Utah has had an objection to the outcome of the 2000 census and the Congressional apportionment that followed it. According to the 2000 census, the State of Utah missed out on getting a fourth seat in the House of Representatives by 857 people.

This was a very thin margin of error, particularly when one considers the methodology of the count and the way it uniquely affected Utah. Remember, 857 people short of getting a fourth seat as compared to another State. According to officials of the State of Utah, somewhere between 11,000 and 14,000 members of the Church of Latter-day Saints, Mormons, missionaries living abroad but citizens of the United States, residents of Utah, were not counted. It is true, however, that members of the military who are abroad are counted.

In two separate court cases, the State of Utah argued that the methodology of the count of the census was flawed because government officials, including military personnel, were counted in the census, while other Americans, including the LDS missionaries, were not. Our colleagues in the House had an insight. It was one of those moments of compromise. Perhaps it seems we are combining apples and pears, but—and I will stop the metaphor and not go on to a sweet fruit salad—the fact is, this made a lot of sense. Our colleagues in the House recognized that in these two sets of complaints—the historic one for the District and the one for Utah, more current—there was a potential solution to the longstanding impasse on DC voting rights.

Let's state what is implicit. Over time, I fear people concluded, notwithstanding the justice of the argument made by residents of the District that they deserve voting representation, it is clear, and we must acknowledge what is clear, the registration of voters

in the District is overwhelmingly Democratic. So in terms of partisan balance in the House, the feeling, obviously, was that when the District of Columbia gets a voting representative in the House of Representatives, that representative will almost always be Democratic. Utah tends to be Republican, though not totally; there is one Member of the House from Utah today who is a Democrat.

There was another judgment involved, an interesting one which we tend not to think of. If we just added one seat for the District of Columbia, a voting representative, we would end up with 436 Members of the House, an even number, and no constitutional mechanism for breaking a tie. Obviously, presumably a motion that resulted in a tie would fail, but it seems an unsatisfactory resolution to the problem. Without an odd number of Members of the House, gridlock would ensue in too many cases. How would the House, for instance, organize itself if the split between the political parties was even? Clearly, the Vice President does not serve as a tie-breaking vote for the House, as is the case in the Senate. It could be impossible to elect a Speaker or appoint committee chairs. So the solution devised by our colleagues in the House in the last session of Congress increased the size of the House by two Members to 437, which pairs a new seat for the District of Columbia with a new seat for Utah. That simultaneously gives the District the representation it deserves, keeps the House as an uneven number of seats, and balances a likely Democratic seat from the District with a likely Republican seat from Utah.

This is the balance that resulted in the legislation that is before us. It is a compromise but, as in so many cases—and it is a pragmatic compromise—it results in a good solution, frankly, to two problems, one longstanding for the District, the other more current and brief for Utah.

In submitting this legislation from the committee, we are not judging the manner in which the 2000 census was conducted or the outcome of legal disputes that followed. That is a matter of record. However, it is a statistical fact that Utah was the next State in line to receive an additional seat in the House of Representatives. Given that fact, it is a reasonable bipartisan compromise to create the two voting seats proposed in S. 160. I stress, again, that Utah only receives this seat under this bill for 2 years. The bill has no impact on the conduct of the next census in 2010 and subsequent reapportionment. Once reapportionment is conducted for the 2012 election, the Utah seat will be awarded based on population increases to the State that thereby has earned it. It could be Utah. It could be another State. If Utah's 2010 population does not entitle the State to a fourth congressional seat, it will not retain the seat it will receive under this bill.

The bill offers an opportunity to right the wrong Utah believes it suffered in 2000, the closeness of its numbers and also the fact that Mormon missionaries, way beyond the 857 gap between Utah and the State that got the additional seat, way beyond that number, 11,000 to 14,000. I think this is a very fair compromise that ensures, bottom line, every citizen of the country is given the most precious right democracy can provide, the right to vote for someone who can represent him or her with a vote in Congress. When one doesn't have that, as is the case with the District of Columbia, apart from the frustration I described earlier that Delegate NORTON must experience every time the roll is opened in the House, we have the inequity of residents of the District volunteering and being sent to war. Yet the Delegate of the District in the House has no vote on questions of war or peace. We have soldiers returning as veterans, and yet the representative from the District has no vote on the benefits we will confer or not confer on veterans. The residents of the District are not only taxed without representation, which is, as our Founders asserted, a form of tyranny, but they are taxed very heavily. They pay the second highest rate of Federal taxation per capita. Yet they have no voting representation in Congress on the rate of taxation, the manner of taxation or, of course, where the revenue goes.

They are the only governmental entity, outside of a Federal agency, that has to have its budget approved by the Congress. When we are tied up in gridlock and the budget doesn't pass, it means the District of Columbia is in a terrible predicament because it can't get the money it needs to operate. Yet the District has no voting representation on matters of appropriations in Congress. This is the moment to end this antiquity, a profoundly unjust and, frankly, un-America antiquity.

I urge colleagues to come to the Chamber. Let's have some amendments and debate, and let's get this done by tomorrow afternoon.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, in consultation with the managers, the Senator from Connecticut and the Senator from Arizona, I make a constitutional point of order against this bill on the grounds that it violates article I, section 2, of the Constitution, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Under the precedent and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedent of the Senate, submits the question to the Senate: Is the point of order well taken?

Mr. MCCAIN. Mr. President, I understand that now the motion is debatable.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MCCAIN. Mr. President, I have a statement on this issue, and I look forward to debating it and a vote at the wishes of the majority and Republican leader on this constitutional point of order.

Mr. LIEBERMAN. Mr. President, I appreciate very much that Senator MCCAIN came to the floor to raise this point of order. As I said earlier, this is a matter that concerns people. I feel strongly that the measure is constitutional. But this is exactly what we should be debating. I look forward to his arguments and to responding to them.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the chairman of the Homeland Security Committee, through whose committee this legislation is proceeding.

I appreciate the frustration felt by the residents of the District of Columbia at the absence of a vote in Congress. I fully understand and appreciate that. I also believe it is important that we look back at both the Constitution itself and the intention of our Founding Fathers, which was to create the District of Columbia as a base of Government.

According to many experts, the District of Columbia is not a State, so therefore is not entitled to that representation. Also, one has to raise the obvious question: If the District of Columbia is entitled to a Representative in the U.S. House of Representatives, then why isn't it also entitled to two Senators? If the District of Columbia is entitled to a Member of Congress, why isn't Puerto Rico, which would probably entail 9 or 10 Members of Congress? Why are other territories of the United States not entitled to full-fledged Members of the U.S. House of Representatives and, indeed, the U.S. Senate?

After great deliberation and debate, our Founding Fathers enshrined in the Constitution, 222 years ago, a unique form of government that proposes a distribution of power and checks and balances on each branch. So, too, the Founding Fathers considered and provided for a unique Federal city to serve as our Nation's seat of government. No single Member would represent the interest of the District but all Members of Congress would share responsibility for the city's well-being. I believe that when you look at distribution of tax revenues and when you look at other measurements, the District of Columbia has been well represented by all Members of Congress.

The Framers specifically limited voting representation in the House of Representatives to States. Article I, section 2, of the Constitution provides unequivocally:

The House of Representatives shall be composed of Members chosen every second year by the People of the several States.

If they had wanted the District of Columbia to have the representation, they would have designated so in the Constitution. Asked to opine on the meaning of the word ''States'' in the context of House representation, Federal courts have consistently accorded that word its plain meaning, concluding that the word ''States'' does not include territories or possessions or even the District of Columbia.

Again, I express my sympathy for the residents of the District of Columbia. But to now act in direct contravention to the intent and words of our Founding Fathers, I believe, is a violation of the Constitution of the United States. And to somehow work a deal that includes the State of Utah having an additional seat in return for that is an incredible violation. I will talk more about that.

First, I wish to say that it is very clear the Congress simply cannot amend the Constitution by legislation—no matter how noble the cause. Congress has once before pursued an appropriate constitutional resolution to this issue. In 1978, Congress passed a joint resolution proposing to amend the Constitution to provide for the representation for the District of Columbia in Congress. Seven years later, that resolution failed to obtain the required approval of the 38 States necessary for ratification under article V of the Constitution. There is no reason proponents of voting rights for the District can't pursue this process again. There is a process for amending the Constitution of the United States. There is no reason why those residents of the District of Columbia, and other supporters, should not pursue the legitimate process of amending the Constitution of the United States. It should not be done and, in my view, cannot be done. The courts will decide, if we don't decide here, that it is unconstitutional to do so. I welcome such a process, rather than the consideration of this bill, which is clearly unconstitutional—not only in my judgment but in the overwhelming body of legal opinion.

In addition to being unconstitutional, as I said, I am concerned that this bill is more a product of politics than of principle. Look at what this legislation before us does. It doesn't simply grant the District of Columbia a voting seat in the House; it adds another congressional seat for the State of Utah. The obvious question is, Why Utah? Why not Arizona or Nevada or New Jersey? As a representative of the people of the State of Arizona, who, I believe, legitimately and continuously, as one of the fastest growing States, have been deprived of additional seats because of the way the census was conducted—and now we are going to give a seat to the State of Utah on the grounds that the census was not accurate. I don't know of any fast-growing State in America that doesn't believe we were undercounted—and legitimately—in the census.

Now, as I understand it—and maybe the proponents of an additional seat for Utah can more eloquently and convincingly describe it than I can—they are saying it is because they came closest in the census to being eligible for another seat in the Congress. The State of Nevada is the fastest growing State in America. Arizona has been among those that are fast growing. But why Utah? What in the world does an additional seat for Utah have to do with representation for the District of Columbia? It can only be interpreted in one way, and that is an attempt to buy votes. We are talking about the Constitution of the United States here, about representation in the Congress of the United States of America, not some political deal.

I have sympathy for the State of Utah if they think they were undercounted in the census. I have sympathy for all States that were undercounted in the census. What some supporters of the bill argue is that Utah is the next State in line to receive a House seat after the last census in 2000 and reapportionment. Nevada was the fastest growing State from 1986 to 2004, until Arizona overtook Nevada as the fastest growing State in 2006, according to the U.S. Census Bureau. Nevada, once again, regained this title for its high growth between 2006 and 2007. For the first time in over 25 years, Utah was listed this year as the fastest growing State, as its population climbed 2.5 percent, with Arizona being second, with a population growth of 2.3 percent. Despite this percentage growth, Texas, California, North Carolina, and Georgia added more people than Utah, Nevada, or Arizona between 2007 and 2008. Mr. President, we are getting on a slippery slope here. Do you judge it by percentage of growth, numbers of votes?

It brings us back to a final question: What in the world would awarding an additional seat to another State have to do with voting rights for the District of Columbia?

I have provided those statistics to illustrate there are other States that have experienced far more phenomenal growth than Utah. I love Utah. It is a wonderful State. But the wheels were greased for Utah to receive an additional seat well before it was listed as the fastest growing State this year. And if the State of Utah or any other State was undercounted, that should be taken into consideration; we should fix the census in the year 2010 and make sure any injustice is corrected. But to somehow say we are going to award a State an additional seat not in keeping with the process of how reapportionment is conducted every 10 years is remarkable and certainly unconstitutional.

In 2004, lawmakers began floating an idea of a compromise bill to balance a House seat for the District of Columbia, which obviously we assume would be won by a Democrat, with a seat for a congressional district in Utah, which most assume would be won by a Republican. The May 3, 2005, editorial in the Washington Post called this a ''win-win situation.'' While this may be a win-win situation for Washington, DC, and Utah, it is hardly a win for the millions of Americans who are living in high-growth States.

In fact, according to a report by the Congressional Research Service, if the District was considered to be a State during the last apportionment, North Carolina would not have gained a seat. According to a study by the Republican policy committee, if this bill is enacted and the House of Representatives is expanded to 437 seats, then New Jersey would keep a congressional seat it would otherwise lose. Again, this illustrates there are winners and losers in an apportionment, but these districts should be chosen based on concrete data from the census, not by political parties attempting to craft legislation that flies in the face of our Founding Fathers' intentions.

In a February 6, 2009, editorial, the Los Angeles Times states:

This is obviously partisan horse-trading.

The Los Angeles Times is right. Yes, partisan horse trading happens all the time, but this time partisan horse trading would do grave violence to our Constitution.

A commentator wrote in the February 13, 2009, edition of the Washington Times:

. . . the enactment of blatantly unconstitutional legislation to bypass the constitutional amendment process and give the District of Columbia a seat in the House of Representatives in a crass triumph of raw political power over the rule of law.

I couldn't agree more.

Again, I regret I am unable to support this legislation to provide the residents of the District voting representation in the House of Representatives. However, I took a solemn oath to defend our Constitution as a U.S. Senator. In testifying before the Homeland Security and Governmental Affairs Committee in 2007, Professor Jonathan Turley described this horse trading as ''the most premeditated unconstitutional act by Congress in decades.''

We, as Senators, cannot avoid the constitutional issue. While the Supreme Court may be the final arbiter of constitutionality, Congress, as the first branch of Government, has an independent duty to consider the constitutionality of the bills we pass, especially where, as here, our own independent Congressional Research Service advises that ''although not beyond question, it would appear likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia'' as contemplated by this bill.

We really have two aspects of this legislation. First of all, does Congress have the constitutional authority to grant voting rights or an additional seat in the House of Representatives by legislation rather than amending the Constitution of the United States?

As I pointed out earlier in my statement, the fact is, it was tried in 1978 in the proper fashion and did not receive the approval of the 38 States necessary to amend the Constitution. So now we are trying to basically amend the Constitution of the United States by legislation. That is not in keeping with the authority and responsibility of the Congress of the United States of America.

The second is, of course, what in the world does granting voting rights to the District of Columbia have to do with granting another seat to another State? One can only interpret that, as one of the editorials did, as political horse trading. There is no constitutional basis for granting a seat to any State in the United States of America without it being backed up, as laid out by our Founding Fathers, by the results of a census.

I will agree, as I have said before, coming from a State that has been consistently undercounted in our population, the census needs to be fixed to more accurately reflect the true population of every State in America, and that has not happened with the fastest growing States. But to grant a seat to a State because they were ''fastest growing'' and maybe closest to the requirement for an additional seat turns everything on its head.

What kind of a precedent would we be setting by legislation allowing a State to have another seat in the U.S. House of Representatives, with thousands of votes that would be taken?

I also would like to mention, again, if the District of Columbia deserves a voting representative in the U.S. House of Representatives, doesn't the District of Columbia also deserve two U.S. Senators? How intellectually do you make the argument they deserve a vote in the other body, a coequal body—although we certainly do not recognize that very often. But the fact is, it is a coequal body. They are going to have a vote over there, but they are not going to have representation over here.

Finally, I would like to point out that we have territories in which citizens of the United States reside. Those who were born in those territories, according to a U.S. Supreme Court decision, are citizens of the United States. In fact, they are even eligible to run for President of the United States if they are born in a U.S. territory.

What about Puerto Rico? What about the Virgin Islands? What about the Marianas? What about other territories that are part of the United States of America and in which our citizens also reside who then vote for Representatives in the other body, but those Representatives obviously do not have voting power?

I conclude by saying this is a serious issue. It is a serious issue. It has been clouded by the understandable concern that Members of Congress have for the people who reside in the District of Columbia. We see their license plates every day: ''Taxation without Representation.'' But the way to give them those voting rights is through amending the Constitution of the United States, not a legislative act that clearly is not within the constitutional authority granted by our Founding Fathers to the Congress of the United States.

I look forward to a spirited debate on this issue. I think it is an important one. If this DC voting rights bill does pass and this constitutional point of order is rejected by a majority of the Senate, I have very little doubt that the courts of the United States of America will reject this proposal.

Again, I appreciate and admire and respect the manager of this bill, the distinguished chairman of the Homeland Security Committee, and the senior ranking member, the Senator from Maine. But I think there is a huge credibility problem when you add on a provision for adding a seat to a State for which there is not any factual or, frankly, rational argument for except that perhaps this measure will gain more support.

I urge my colleagues to take a very close look at what we are doing. The most sacred obligation we have is to respect and preserve the Constitution of the United States of America in everything we do. I have very little doubt this legislation before us violates the Constitution of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona for his kind words and also for the serious constitutional questions he raised.

As I said earlier, this is exactly what we ought to be debating on this bill. I take it as a given that neither he nor anyone else I heard speak in this Chamber would say that it is fair or just or consistent with the first principles of our representative democracy, this great Republic of ours, that 600,000 Americans be denied the fundamental right to be represented in Congress by somebody who can actually vote. Pretty much everybody will agree that is wrong, all the more unacceptable because these 600,000 people happen to live in the Capital of this great democracy of ours.

The question is, in one sense, the constitutionality of S. 160, the House District Voting Rights Act that is before us, and in a second sense, which the Senator from Arizona has raised, the wisdom, if you will, of combining the voting rights for residents of the District with an extra seat, in the short run, for the State of Utah. I wish to take some time to respond to these serious arguments.

As I understand it—and I think I do—what the Senator from Arizona and other opponents of the constitutionality of this bill say is that the question of the District of Columbia's voting rights in the House should be settled by section 2 of article I of our Constitution, which says the House shall be made up of Members chosen ''by the People of the several States.'' And they argue that because the District of Columbia is not a State, its residents cannot have representation in the House, presumably at least not without a constitutional amendment.

Those of us who feel strongly that this measure before the Senate is constitutional base our claim on the District clause of the Constitution which states that the Congress has the power ''To exercise exclusive Legislation in all Cases whatsoever, over such District,'' referring, of course, to the Federal District that was created at the time of the Constitution as the National Capital.

Our courts have described in the centuries since this authority in the District clause as a ''unique and sovereign power'' and ''sweeping and inclusive in its character.'' Unlike many congressional powers, it is not balanced against the countervailing rights of the States.

As former, I believe he was Associate Attorney General, maybe Deputy Attorney General during the previous administration, the Bush administration, Viet Dinh, stated in his testimony before the House of Representatives on this matter:

> [W]hen Congress acts pursuant to the District Clause, it acts as a legislature of national character, exercising ''complete legislative control as contrasted with the limited power of a state legislature, on the one hand, and as contrasted with the limited sovereignty which Congress exercises within the boundaries of the states, on the other.''

That is a very interesting argument about the unique powers of Congress pursuant to this District clause.

Then Mr. Viet Dinh concludes in support of this legislation and the constitutionality of this legislation:

> In few, if any, other areas does the Constitution grant any broader authority for Congress to legislate.

That is what we are doing here.

Those who question the constitutionality of the legislation, as I mentioned, rely on section 2 of article I. They rely uniquely and almost totally on the word ''States,'' that the Members of the House shall be chosen by ''the People of the several States.'' So they say the District of Columbia is not a State; therefore, without amending the Constitution, we, in Congress, even under the powerful District clause, do not have the power to grant voting rights in Congress to the Representative of the District of Columbia.

But there is a very clear and powerful line of Supreme Court cases in which the High Court and other courts have upheld Congress's right to treat the District of Columbia as a State and

to treat it as a State for matters that are extremely consequential: for Federal taxation; in other words, the right to tax residents of the States might free the residents of the District from this obligation.

Yet the courts have said the District itself can be treated as a State for purposes of Federal taxation, for purposes of Federal court jurisdiction. This was the question of diversity of jurisdiction. I don't have to go into the details. The courts have said it would be an anomaly to say because you happen to be an American living in the District, you cannot gain access to the Federal courts because the Constitution says the various States with regard to diversity and jurisdiction. The same with the right to a jury trial and, very powerfully, the same with regard to interstate commerce. There it is interstate commerce. We have the interstate commerce clause of the Constitution which has given birth to probably thousands of pieces of legislation, a very active role of oversight for the Government. And even though it is the interstate commerce clause, the courts have said very clearly that the District should be considered a State, notwithstanding the literal words in the Constitution. Because effectively, if you don't, you will create an enclave where people can't be taxed, people can't gain access to the Federal courts, people don't have a right to a jury trial, and people can't be protected by generations of legislation and regulation passed pursuant to the interstate commerce clause.

For instance, as long ago as 1805, in the case of Hepburn v. Ellzey, Justice Marshall—the great Justice Marshall—ruled that the District of Columbia could not be considered a State for purposes of diversity jurisdiction under the Constitution, which allows Federal courts to hear disputes between residents of different States. His opinion, nonetheless, remarked on the incongruity of such a result, and Justice Marshall invited Congress to find a solution. Many years later—unfortunately, many years later—Congress did so, and in 1949 the Supreme Court, in the Tidewater case, upheld a congressional statute that said the District should be treated as a State for purposes of diversity jurisdiction.

Citing such cases, former Federal Circuit Court Judge Patricia Wald has testified—and again she testified on behalf of this legislation and its constitutionality:

> The rationale of the courts in all these cases has been that Congress, under the District Clause, has the power to impose on District residents similar obligations and to grant similar rights as the States claim power to do under the Constitution itself.

So Congress is saying because the States get certain powers from the Constitution, if we don't treat the District as a State, its residents will be deprived of protections, or the Federal Government will be deprived of the right to tax them, for instance. And Judge Wald continued:

> Given that the District is in reality what I might call a City-State of 600,000 people—

Where the population, as I indicated in my opening statement yesterday morning, is just about equal to or greater than four States—

> engaged in a multitude of private businesses and occupations, there is realistically no other way that a federalist union can do business under the Constitution.

It is also true that Congress has already extended the right of Federal representation, voting representation in Congress, to those who are not citizens of any State. I know this is an unusual statement and an exception, but there is the Uniformed and Overseas Citizens Voting Act. And in that, Congress authorized American citizens overseas to continue to vote for Members of Congress in their last domestic State of residence, regardless of whether they had been citizens of that State and no matter how long they stay overseas. Indeed, as I mentioned yesterday, these people would lose this unusual right to voting representation here in Congress, in States they no longer reside in—and they may not have been there in quite a while—by absentee ballot from elsewhere in the world, only if they renounced their American citizenship or they returned to the United States and came to live in the District of Columbia. Now, that is an anomalous and unacceptable result. Citizens of Federal enclaves within a State are also free to vote in Federal elections held by the State—a right upheld by the Supreme Court.

Notably, Congress has already used this vast authority that I have referred to under the District clause to extend voting rights to residents of the District of Columbia. Between 1789 and 1800, Congress, acting under the District clause, granted residents of the new District—the Nation's capital—the right to vote in their former States of Maryland and Virginia, even though they were actually no longer residents of those States—the land having been formally ceded to the Federal Government to form the new capital district.

Let me now address a few of the other arguments that have been raised by Members, constitutional arguments that have been raised by those who oppose the bill on constitutional grounds.

It has been argued that because the constitutional amendment XXIII was required to grant the District Presidential electors in the electoral college, likewise a constitutional amendment should be required to provide the District with voting representation in the House. But these two issues are distinct. The XXIII amendment worked a fundamental change to the electoral college under Article II of the Constitution. As such, Congress could not legislate with the same latitude it has within Article I, where the District clause is found along with the clause governing composition of the U.S. House.

Some opponents of our proposal also cite the 1990 case of Adams v. Clinton to argue that it would be unconstitutional to grant DC citizens voting rights in the House. That is not the case, in my opinion. In Adams, the DC Government and residents brought a case alleging it was a denial of their constitutional rights to exclude them from representation in Congress. The majority opinion of the three-judge court stated, ''We are not blind to the inequity of the situation plaintiffs seek to change,'' but concluded that the court itself could not grant the District residents voting rights in Congress as a matter of constitutional right. But the court did not address whether Congress was empowered to provide voting rights through exercise of the District clause.

As former Solicitor General and Federal Circuit Court Judge Kenneth Starr testified before the House in 2004 on legislation similar to the one before us now, S. 160:

> While the Constitution may not affirmatively grant the District's residents the right to vote in congressional elections, the Constitution does affirmatively grant Congress plenary power to govern the District's affairs.

In fact, the majority opinion in Adams arguably invited such an approach by stating that for plaintiffs to obtain Federal representation, ''they must plead their cause in other venues.'' And presumably that meant the Congress.

Another concern raised by opponents of the bill is that it is a slippery slope, as the Senator from Arizona said. If Congress has the authority to grant the District a voting representative in the House, what is to stop it from adding two Senators or extending full voting rights to the U.S. territories? I respectfully suggest that these concerns are unfounded. The legislation before us only addresses DC voting rights in the House, and the legal case for this action and its validity is unique.

First, with respect to the Senate, this bill could not be clearer. In Section 2(a)(2) it states:

> The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

But our colleagues have argued: Could some future Congress, using the arguments used on behalf of this bill, pass similar legislation to give DC full voting rights in the Senate? To me, that is a very debatable argument at best. Even some of the legal experts who support this bill believe a different and much more difficult analysis would apply to a bill regarding Senate representation because of the distinct language and history of the constitutional provisions governing composition of the Senate and the greater emphasis on the States as such.

The territories are also a distinct and different case. Different constitutional provisions provide for the creation of the District and the Federal territories. The District enjoys a unique legal and historical status, and one

that largely mirrors the rights and responsibilities of the States. Its residents pay full taxes and face military conscription. The same is not true of the residents of the territories. Amendment XXIII extended the right to vote in Presidential elections to residents of the District but not to residents of the American territories.

As legal expert Richard Bress concluded in testimony on our legislation last session:

> Taken together, these differences between the territories and the District render highly unlikely the suggestion that granting voting rights to District residents would lead, as a legal or policy matter, to granting similar privileges to residents of the U.S. territories.

Finally, in his comments, Senator MCCAIN questioned: How do we put together voting rights for the District of Columbia with an extra seat for Utah; isn't this just a pragmatic political agreement? Well, in some sense it is. But in another sense, like so many pragmatic agreements around here—and this is one of the best of them because it is bipartisan—it achieves a just result: Finally, after all these years in which this outrageous anomaly has been allowed to exist, District residents will get voting representation in the House, and it also corrects what I think was an injustice done to the State of Utah in the last census—and which is one that I referred to earlier—when it came just 857 votes short of another seat, but the census did not count what was estimated—or proven in the court case—between 11,000 and 14,000 Mormon missionaries who were clearly residents of Utah but were elsewhere in the world on their years of missionary service.

The truth is that for too long now partisan concerns have stopped Members of Congress from doing what they knew was right, which is to give residents of the District voting rights. And the partisan concerns are understandable, even if they should not have blocked the result. It is a matter of fact that the residents of the District are overwhelmingly registered as members of the Democratic party. So in the normal course, it would be extremely likely that any Member of the House from the District would be voting and organizing with the Democrats. And I suppose if the shoe were on the other foot and this was a largely Republican voting population, to be fair about it, Democrats would probably have a similar feeling.

Last session, acknowledging the inequity of the District's case and the understandable if ultimately unacceptable partisan concerns, two of our colleagues in the House—Delegate ELEANOR HOLMES NORTON of the District and Tom Davis former Republican Congressman from Virginia—tried to work this out. Acknowledging the inequity that I referred to which Utah felt it suffered, and actually went to court on in the last census, a decision was made to put these two together.

There was also an institutional necessity, if I can add to this. It wasn't a kind of apples and oranges—two problems, let's bring them together and have a bipartisan result, because the new Member of the House from Utah is likely to be a member of the Republican Party. If we only added the one seat for the District, the House would have an even number of Members. One can imagine the gridlock that you would not want to see in the House. You could have an equal number of Members of both parties and a failure to organize, failure to be able to select a Speaker, or a failure to be able to organize committees. On a tie vote, there is no one in the House to exercise tiebreaking authority, similar to the Vice President here in the Senate. So legislation could fail as a result of a tie vote, and that is not a good result either. There was that institutional benefit that if you are going to add one, you really should add two to bring the total back to an uneven number and avoid the problems we have talked about.

I do want to make clear that this kind of equitable grant of an additional seat to Utah, based on what happened after the last census, is only for 2 years. Obviously, if we give the District voting rights, it will go on forever, but it is only for 2 years because another census is coming in 2010 and there will be a reapportionment following that census. If Utah is next in line for that extra seat based on population, of course Utah will hold that extra seat. But if there is another State that, based on population, has a greater claim for that extra seat, then they will get it as well.

I am happy to acknowledge that the bill before us is the result of a political compromise, a bipartisan compromise in the House, but I am not embarrassed by it. I do not think it taints the result because the result is so profoundly just in the case of the District, and I believe also just in the case of Utah, and it only lasts for this one time.

I have tried to argue here, No. 1, on the constitutionality of this measure under the District clause; No. 2, that, yes, this is a bipartisan political agreement, but it is done for good reasons, and that does not taint it at all; and No. 3, I would say that in the bill before us there is provision for an expedited appeal to the courts on the constitutionality. We know there are constitutional differences that have been argued by the Senator from Arizona and myself this morning. We assume they will be tested in court. In the interests of efficient functioning of our Government, we provide in this measure for an expedited appeal.

This is not the first time this would happen. The most significant case I remember, and I am sure it is one of many, is the landmark campaign finance reform legislation that bears the name of my friend from Arizona and our friend from Wisconsin, the McCain-Feingold legislation. Some argued vociferously on the floor that it was unconstitutional. So within the legislation, in a way quite similar to what we have done here on this, it was provided that there be an expedited appeal. That was a way of saying, even if you believe this legislation may be unconstitutional, we are a legislative body, we do not know, really. I believe this legislation is constitutional, but ultimately—I feel that very strongly, I said that it is, but the ultimate arbiter of that, of course, is the courts.

So I urge my colleagues who have constitutional questions about this legislation but really want to stop the inequity imposed on the residents of the District, that they do not have voting representation here, to vote for this measure because it contains with it an expedited appeal which will occur on the constitutionality of the legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Connecticut—in particular, his comments at the conclusion of his remarks about the appropriateness of an expedited appeal. We are both very certain of our constitutional judgment on this. We are both lawyers. We each come to a totally different conclusion about what is constitutional or not. Fortunately, we have the courts to resolve the issues. As with previous legislation, we had the good sense to include an expedited appeal to the courts so that the issue can be resolved one way or the other. I would note there is one thing that is needed to effectuate this—to be sure that, as it was in the McCain-Feingold legislation, an appeal can be facilitated by ensuring pro bono counsel can represent plaintiff in the case.

Let me also reference a fact that my colleague from Arizona is usually quick to point out. He likes to say he is unburdened by a law degree. That certainly can be a burden for those of us who have the degree, but what he has argued illustrates not only the sensibility of our Constitution but also his extensive knowledge of it. I always appreciate his point of view on these issues because of his wide-reaching experience which helps us understand the reasons for the constitutional provision. I support the constitutional point of order he has raised because I do deeply believe the action the Senate is being asked to take here is unconstitutional.

The creation of a House seat for the District by legislation rather than constitutional amendment is what is before us here, and we believe that only by constitutional amendment can the additional representation be appropriately granted.

I would like to respond briefly to the comments of my colleague from Connecticut. They are all well stated. They are the arguments in opposition to the proposition. I referred to a couple of them yesterday, but let me refresh those and then discuss one other matter.

The primary argument of the proponents of the bill is to rely on the so-

called District clause, which is article I, section 8, clause 17. The District of Columbia Circuit Court actually interpreted this clause in a case called Neild v. District of Columbia in 1940. What the court noted in that case was that the District clause does indeed allow Congress to legislate within the District for ''every proper purpose of government'' and gives Congress ''full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end,'' subject, of course, to the negative prohibitions of the Constitution.

But proponents argue that because the District clause allows Congress to do things in the District of Columbia that States themselves cannot do, then it must also follow that Congress, with regard—that it must also allow Congress to do things with regard to the District that only States can do. For example, article I, section 10, of the Constitution bars States from doing things such as coining money, entering into treaties, and keeping troops. But none of these restrictions apply to Congress in the exercise of its power to govern the District.

Proponents of this bill argue that it follows from this sweeping power that Congress may also grant District residents the rights of citizenship in a State, including the right to congressional representation. But this argument does not follow. Congress has some powers in the District that are broader than the powers of a State, but this does not mean that every power of a State must also extend to the District. States and the District of Columbia are different under the Constitution, and each has some rights and powers that the other lacks.

I note in this regard that the Senator from Connecticut quoted from an opinion of Justice Marshall in a very early case in which Justice Marshall saw a problem with the commerce clause and, because of his view that the District of Columbia was not equivalent to a State, invited Congress to solve the problem, which, many years later, as the Senator noted, Congress did do. But, of course, what this case stands for is the proposition that Justice Marshall, who was there at the time and well understood the intent of the Framers, appreciated that he could not do it from the bench. He could not say that the District was the same as a State and therefore he had the ability to fix the problem. That had to be done in another way.

There is a big difference between those kinds of problems dealing with adversity jurisdiction or the commerce clause, and so on, and the fundamental status as a political entity, which would change the representation of the House of Representatives. Moreover, it would make no sense, in the same document where the Framers specifically composed the House of Members of the several States and then specifically designated the District of Columbia as something other than a State, that the Framers then forgot to give the District representation in the House. The Framers had the opportunity to provide the District with a Representative in the House but, of course, declined to do so.

The text of the Constitution on this matter is clear. It says Congress shall be composed of Representatives from States and States alone. Here is the exact wording:

> The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.
>
> No person shall be a Representative who shall not have attained to the age of twenty five years . . . and who shall not . . . be an inhabitant of that state in which he shall be chosen.

And finally:

> [E]ach state shall have at least one Representative. When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

So any act by Congress purporting to grant a seat in the House of Representatives would contradict this plain text and would be unconstitutional.

My colleague from Connecticut also noted that we have, for Americans residing abroad, enabled them to vote. But, of course, it is tied to their last domestic residence to a State. It is the State to which these votes go. So, even in those situations where there has been a need to accommodate the fact that Americans are not all residing at that moment in a State, we have tied their vote to the State from which they have come.

I mentioned one case, but I would also like to briefly discuss some other cases because judicial precedent has accumulated over the years and strongly supports the point my colleague from Arizona makes with regard to the constitutionality of this legislation.

In Bolling v. Sharpe, the companion case to Brown v. Board of Education, the U.S. Supreme Court expressly recognized that when it came to the application of the fundamental constitutional principles, the District could not be considered to be the same thing as a State. The Bolling petitioners had challenged the constitutionality of racial segregation in the DC public schools. The Court held that such segregation was unconstitutional in the District, but the Bolling Court was very careful to make clear that the District was not equivalent to the States and not subject to the same legal strictures.

Brown v. Board of Education was based on the 14th amendment, which by its own terms applied only to the States. Because the District is not a State, the Bolling Court reasoned different rules had to apply to this case.

Here is how the Court explained it:

> We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. The legal problem in the District of Columbia is somewhat different, however. The Fifth Amendment, which is applicable to the District of Columbia, does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the states.

So the Court obviously had a dilemma. It went on to reach the same result as in Brown v. Board of Education and strike down racial segregation, but on different grounds. It was careful to emphasize that the law that applies to the District is different because the District is not a State.

Other courts have also emphasized that the District is not a State.

My colleague mentioned Adams v. Clinton. DC residents there argued that they had a constitutional right to elect a Representative to Congress but the three-judge district court, examining the text and the history, determined that the District is not a State under article I, section 1, and therefore the plaintiffs did not have a judicially cognizable right to congressional representation.

In another case from the DC Circuit Court, Michel v. Anderson, the court affirmed the constitutional principle that Congress cannot grant voting rights to citizens of the District. The court considered congressional rule changes that will allow Delegates from the District and U.S. territories the right to vote in committees and even the committee of the whole in the House. Some Members of Congress sued, claiming these rules went too far. Although the District of Columbia Circuit Court upheld the new rules, it noted that the rules passed constitutional muster only because they did not give the essential qualities of representation to the Delegates; namely, according to the court, it was acceptable to allow the Delegates to participate in deliberations and secondary votes—for example, in committees and the committee of the whole—as long as their votes would not be decisive in the final vote on final passage of the bill. There was a reason for that. The bottom line: The District has a voting Representative in the House to the full extent that it can be granted by the Congress short of a constitutional amendment. At that point, for full representation there would need to be a constitutional amendment.

In a similar vein, in United States v. Cohen, then-Judge Scalia explained, again in a DC Circuit Court decision, that the District clause ''enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 States.'' But Judge Scalia went on to emphasize ''[t]hat there has never been any rule law that Congress must treat people in the District of Columbia exactly as people are treated in the various States.''

Finally, in Banner v. United States, the DC Circuit, in a panel that included now-Chief Justice Roberts, rejected a constitutional challenge to congressional legislation that prevents the DC

government from imposing a ''commuter tax'' on people who work in the District but reside in Virginia or Maryland. The Court stated that Congress had broad authority to legislate under the District clause but also noted:

None of this is to say that Congress can legislate for the District without regard to other constitutional constraints.

And of particular relevance to the present debate, the DC Circuit panel stated:

[T]he Constitution denies District residents voting representation in Congress.

These cases are all clear, and they all reach either the same result or are all based upon the same reasoning. The final constitutional argument was also addressed by the Senator from Connecticut. This has to do with the 23rd amendment. Let me discuss that.

When Congress in the past has addressed the District's special status, it has acknowledged that status is dictated by the Constitution, and it recognized that a constitutional amendment was necessary to change the status, as we have just seen. So when Congress sought to give the District a vote in Presidential elections, it passed the 23rd amendment to the Constitution. When Congress dealt with this issue before, it dealt with it correctly. Congress does have the power to grant the District representation in the House if it deems that it is necessary and desirable. But the proper way to do this is through the mechanism that the Framers provided in the Constitution: the amendment process in article V.

Prior to the ratification of the 23rd amendment in 1961, District residents could not choose electors for purposes of choosing the President and Vice President; but because of this amendment, District residents are now able to select electors ''equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.''

Congress thus recognized in the 1960s that it did have the authority under the District clause and without amending the Constitution to allow District residents to choose Presidential electors.

The 23rd amendment to the Constitution itself recognizes that the District is not a State and cannot be treated as one. First, it ensures that the District, even if otherwise entitled by population, may not appoint a number of electors greater than that of the least populous State. As a consequence, even if the District grew enough in population that as a State it would be entitled to three Representatives and two Senators, let's say if a smaller State than was not entitled to three Representatives existed, the District's electors would be limited to a number equal to those of the smaller State.

Even under the 23rd amendment, for the purpose of selecting Presidential electors, the Constitution recognizes that the District is not the same as a State and is not entitled to be represented in the National Government in the same way.

So where does that leave us? What is next were we to pass this constitutional amendment? There has been an argument made, I think, that the proponents of this legislation would perhaps try, for example, to extend this to representation in the Senate as well. My colleague from Connecticut has said: No, there are totally different historical reasons that would not be so. I accept that there are, in fact, historical reasons that would preclude us from doing that. But I would also suggest the very reasons which caused Congress, the political reasons which caused some in Congress to change from the previous position—which has also been a constitutional amendment is required—to a legislative proposal here, would be very likely to occur in the future on this particular issue as well. I think the same thing could occur with respect to representation in territories, such as the Territory of Puerto Rico, for example.

So if, in fact, today we say, no, that could not possibly be because of tradition and the historical understanding, that is not necessarily the case given the fact that we have now at least some in this body who have thrown over the historical tradition and case law and understanding that only by constitutional amendment could the Constitution—could there be an amendment to allow the District representation.

So I am going to urge my colleagues to vote against the resolution. I am going to urge them to vote to sustain the point of order that my colleague from Arizona has made. There is a constitutional issue, and we need to be on record as to what we believe to be the correct decision. If we believe it is constitutional, then there will be an opportunity to express that in this amendment. If we believe it is unconstitutional, we will have the opportunity to express that. Many of us want to express that proposition.

At the end of the day, however, as my friend from Connecticut has pointed out, the ultimate resolution is not going to be what we believe but, rather, what the courts say with respect to the issue. Again, for that reason, it is important to have a workable, expedited procedure for resolution of this issue in the courts. And I am hopeful we can achieve that in the legislation, even should the legislation pass over the objections of those of us who disagree with it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Vermont is recognized.

Mr. WHITEHOUSE. Would the Senator yield for a unanimous consent request?

Mr. LEAHY. Mr. President, I so yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Chairman I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Senate now considers a bill to provide voting rights to citizens of the Nation's Capital city. I am proud to cosponsor the District of Columbia House Voting Rights Act of 2009. This important legislation would end over 200 years of unfair treatment to nearly 600,000 Americans living in the District of Columbia, a population roughly equal to the size of Vermont, and give them a vote in the House of Representatives. Earlier this week, the Senate finally broke through the Republican filibuster of this legislation that stalled its consideration in the last Congress. That filibuster prevented its passage, despite the bipartisan support of 57 Senators, a majority of the Senate. The vote earlier this week to overcome that filibuster is an encouraging step toward guaranteeing all citizens representation in our Government.

Last Congress, President Bush threatened to veto this bill. This time, when the Congress passes this bill, I am confident President Obama, who cosponsored and voted for the bill when serving in this body as a Senator from Illinois, will sign it into law.

I commend Congresswoman ELEANOR HOLMES NORTON and Senator HATCH for having worked out a voting rights bill for the District of Columbia that can and should pass with bipartisan support. The bill we consider today would give the District of Columbia delegate a vote in the House of Representatives. To remove partisan political opposition, it accords Utah an additional vote in the House, as well.

As a young lawyer, Congresswoman NORTON worked for civil rights and voting rights around the country. It is a cruel irony that as the District of Columbia's longtime representative in Congress, she still does not yet have the right to vote. She is a strong voice in Congress, but the citizens living in the Nation's Capital deserve her vote on their behalf to count.

I believe this legislation is within congressional power as provided in the Constitution. This is not a partisan conclusion. Lawyers from across the political spectrum, from Judge Patricia Wald to Kenneth Starr and former Assistant Attorney General Viet Dinh, agree that this action is constitutional. After careful study, we have all concluded that Congress has the constitutional authority to grant voting rights in the House of Representatives to the representative of the citizens of the District of Columbia.

Last Congress, the Judiciary Committee held a hearing on this issue, and heard compelling testimony from constitutional experts that such a bill is constitutional. They highlighted the fact that Congress's greater power to confer statehood on the District certainly encompasses the lesser action to

grant District residents voting rights in the House of Representatives.

Moreover, Congress has often treated the District of Columbia as a ''State'' for a variety of purposes. Congresswoman ELEANOR HOLMES NORTON reminded us that ''Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes.''

Examples of these actions include a revision of the Judiciary Act of 1789 that broadened Article III diversity jurisdiction to include citizens of the District, even though the Constitution expressly provides that Federal courts may hear cases ''between citizens of different States.'' Congress has also treated the District as a ''State'' for purposes of congressional power to regulate commerce ''among the several States.''

The sixteenth amendment, the Federal income tax amendment, grants Congress the power directly to tax incomes ''without apportionment among the several States'' and that taxing power has been interpreted to apply to residents of the District. The District of Columbia car license plates or tags remind us every day that District residents suffer from ''Taxation Without Representation,'' a battle cry during the founding days of this Republic.

Hundreds of thousands of Americans residing in the District of Columbia are required to pay Federal taxes. In fact, the District of Columbia residents pay the second highest Federal taxes per capita in the Nation, yet residents have no say in how those dollars are spent. We must also remember that many who serve bravely in our armed services come from the District of Columbia. The brave men and women who defend our values and freedoms abroad must also enjoy those same rights here at home.

Opponents of this bill claim that the citizens of the District of Columbia do indeed have representation, that they fall under the jurisdiction of all 100 Senators and 435 Representatives and are sufficiently provided for by Congress. To that argument I say that there is no substitute for direct representation in Congress. How many of us in either party would be willing to go back to our State and say ''You do not need your representatives because other States are going to represent you?'' I do not believe that would go over well in the Commonwealth of Pennsylvania. Chairman LIEBERMAN knows that would not go over well in his State of Connecticut. I guarantee you that would not go over well in the State of Vermont. Similarly, the citizens of the District of Columbia also deserve the chance to elect a representative who has not only a voice in Congress, but a vote as well.

Over 50 years ago, after overcoming filibusters and obstruction, the Senate rightfully passed the Civil Rights Act in 1957 and the Voting Rights Act in 1965. Let us build on that tradition and extend the reach and resolve of America's representative democracy. I am pleased that we took the first step in overcoming the filibuster of this legislation, and I urge all Senators to support the final passage of this bill without further delay.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that a vote on the McCain constitutional point of order occur at 2 p.m. today; that the 10 minutes immediately prior to the vote be equally divided and controlled between Senators MCCAIN and myself or our designees; and that no amendments or motions be in order to the constitutional point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 574

Mr. KYL. Mr. President, I ask unanimous consent that it be in order to consider an amendment at the desk and that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 574.

The amendment is as follows:

(Purpose: To provide for expedited judicial review for Members of Congress)

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. KYL. Mr. President, I understand this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. LIEBERMAN. Mr. President, I will not object. I just wish to say this amendment is supported not only by myself but the majority leader. It adds language to the bill. It is similar language that was in the so-called McCain-Feingold bill. So we support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 574) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia.)

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up my amendment, which I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. CRAPO, proposes an amendment numbered 575.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ENSIGN. Mr. President, while we are here debating the constitutional implications of this bill, I want to take this time to discuss a 30-year constitutional injustice happening right here in Washington, DC.

On June 26 of last year, the Supreme Court issued a landmark ruling affirming the second amendment right to bear arms as an individual and constitutionally protected right. In District of Columbia v. Heller, the Court

affirmed that the District of Columbia's ban on ownership of handguns was an unconstitutional restriction on that right. Prior to this decision, Washington, DC, had enforced the most prohibitive gun control laws of any city in the nation. Not only did the District prohibit ownership of handguns, it also required that allowed firearms, such as rifles and shotguns, be ''unloaded and disassembled'' or ''bound by a trigger lock.''

Millions of Americans were supportive of Mr. Heller, who was simply wishing to excise his constitutional right to protect himself. Recognizing the District's restrictions were not only unreasonable but also unconstitutional, the majority of the Supreme Court held that ''the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.''

Despite the Court's ruling in June, the District of Columbia City Council has continued to exact onerous and unconstitutional firearm regulations on law-abiding residents.

In response to the District's obstruction of the text and spirit of the Court's decision, the House of Representatives passed H.R. 6842, the National Capital Security and Safety Act. Last year, almost half this body joined me in a letter to the majority leader urging prompt consideration of this bill, which was denied and the bill died. That bill would have unequivocally restored the Second Amendment rights of the District residents, and that is why I offer this updated bill as an amendment to S. 160 and encourage my Senate colleagues to join me to address this real injustice.

Mr. President, the residents of the District have waited long enough, and it is time for us to ensure that they realize their constitutional right to bear arms. We must pass this amendment so the Second Amendment rights of the citizens of DC are protected.

This amendment is substantively identical to the bipartisan compromise that passed the House last year, with the exception that it repeals the 2008 DC anti-gun law that was enacted in the interim, and the inclusion of a severability clause. As I said, these are merely technical changes to this widely supported bill that 47 of my colleagues supported in a letter to the Democratic leader in the 110th Congress and two of our new Senate colleagues voted for while they were in the House, when it passed by a vote of 266 to 152 including 85 Democrats.

These changes were necessary to guarantee the second amendment rights to DC residents are adequately protected. Instead of abdicating our constitutional duties as a co-equal branch of Government, we should enact legislation such as my amendment, to defend and protect the constitutional rights of American citizens. It is high time we address this real constitutional injustice and adopt my amendment.

Mr. President, it is high time that we address this real constitutional injustice and pass my amendment. According to the Census Bureau, Washington, DC, is the 27th largest city, with close to 600,000 residents. Similarly large cities, however, have not enacted comparably restrictive gun laws. For example, both Las Vegas proper and the District of Columbia are cities with populations between 500,000 and 600,000 residents. According to the Census Bureau, in 2007, Las Vegas without incorporated areas, was the 28th largest city, just behind DC. These cities, however, have very different gun-control laws.

According to FBI Criminal Justice Information Service Division, in 2007, the murder and non-negligent manslaughter rates were higher in DC than Las Vegas, including all the incorporated areas. When you include the incorporated areas, this more than doubles the population count in Las Vegas. In fact, if you total all the population of Nevada, DC still would reigns in this category. Can you honestly tell me gun control in DC has been effective?

According to the FBI, murder rates in the United States peaked at around 10.2 per 100,000 persons in 1980. Despite the strictest gun ban in the country, however, murder rates in the District continued to climb well into the 1980s and 1990s, peaking in 1996 at about 80.6 per 100,000—nearly 8 times the average of what the rest of the United States had experienced.

Since then, the murder rate in DC has declined somewhat and is now fairly level, following a national trend of decreasing violence. As this chart shows, however, the murder rate in DC still remains over 250 percent higher relative to the 48 largest cities in America.

Law-abiding, Nevada residents only need to register handguns if they live in Clark County, the home of Las Vegas. And then, to do so, they simply bring an unloaded handgun to any police substation—unlike the District of Columbia's single location—where they receive a cursory background check and are given a gun registration card. There are no fees or other onerous hurdles to infringe on the Second Amendment rights of law-abiding citizens.

The DC gun registration laws for lawfully permitted firearms are even more restrictive than Nevada laws for concealed-carry permits. Yet, I repeat, even with a gun ban, DC crime rates are significantly higher. Disarming the law-abiding residents of DC has made them easy prey for criminals to target. Furthermore, most criminals who use guns get them through unregulated channels. According to the Bureau of Justice statistics, most criminals get guns via theft or the black market. According to the ATF, almost 90 percent are acquired through unregulated channels, and the median time between a gun's acquisition and its use in a crime is over 6 years.

Mr. President, it is high time we address this real constitutional injustice and let DC citizens lawfully defend themselves. I urge my colleagues to support my amendment to protect the Second Amendment rights of DC residents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, first, I wish to thank my colleague from Nevada for bringing up this very important issue. Those of us who are strong supporters of second amendment rights clearly are looking at this issue and appreciate his leadership.

Earlier this morning, the Senator from Arizona raised a constitutional point of order as it relates to the bill before us, S. 160. I have to admit, I kind of took a step back and said: Well, a constitutional point of order—I am not sure I am familiar with that. So we went to Riddick's, which is our encyclopedia of Senate precedents, and looked up ''constitutional point of order'' and some of the history there.

I was surprised to find that a constitutional point of order was raised during the consideration of the Alaska statehood bill.

I have had an opportunity on the floor, throughout this past year, to remind all my colleagues that this year is the 50th anniversary of Alaska's statehood and some of the debate that took place on the floor of the Senate and the process that we as a State took to gain statehood.

I pulled up the CONGRESSIONAL RECORD from this debate on the constitutional point of order. It is quite interesting, quite fascinating, from Alaska's perspective, because the point of order that was being discussed was whether section 10 of the Alaska Statehood Act violated the requirement that States come into the Union on equal footing.

The argument that was made at the time was that half of Alaska's territory would be withdrawn by the federal government, depriving the proposed State of Alaska at the time the power to have a uniform system of taxation. Alaska's experience seeking voting representation in Congress explains why I have taken such great interest in the debate over representation for the District of Columbia.

In Alaska, it was a huge fight—a huge fight—as to whether we should become a State. My grandparents on both sides were involved in the debate at the time. It was a fight to gain control of our resources. It was a fight to determine who had control of our fish. As Alaska observes the 50th anniversary of its admission to statehood I reflect back on our fight for voting representation in Congress. This is why I believe it is so important for the people of Alaska to have voting representation in the House of Representatives.

I appreciate the pleas of the people of the District of Columbia, the residents

of this very small area, for voting representation within the Congress because it was not too long ago those same cries were being heard back in Alaska. You have to give the District of Columbia government credit for a pretty effective lobbying campaign. I do not know of any other place that has used their license plates to tell the rest of the country what it is they are asking for: no taxation without representation.

There are significant differences between Alaska's fight for statehood and the cause of representation in the House for Washington, DC. Alaska, 50 years ago, was a territory. The District of Columbia is a different entity, a federal enclave created by our Constitution. Our Constitution makes it clear that they are not a State. However, I supported cloture on the motion to proceed to S. 160 yesterday because I believed it was important that we have this debate on the floor of the Senate and that we hear the perspectives being presented, whether it is from the Senator from Connecticut or the Senators from Arizona, and to allow this issue, which is so important to some 600,000 people, to be debated. I represent a State of just a little over 600,000.

It was back in 1960, June 17, that the Congress approved and sent to the States for ratification the 23rd amendment. It was the 23rd amendment that extended to the people of the District of Columbia representation in the electoral college. It was 285 days later that the 23rd amendment was ratified by the States. That ratification settled the question of whether the people of the District of Columbia should have the right to vote for President, and it settled that question absolutely conclusively, by way of amendment to our U.S. Constitution.

I believe the people of the District of Columbia have been without representation in the Congress for too long. I have strongly supported the view that the people of the District should have voting representation in the House of Representatives, but what we have before us today, S. 160, does not conclusively resolve the question of whether they will.

We know the question of whether Congress may, by legislation, grant the District of Columbia a vote in the House of Representatives has been a matter of spirited debate not only here on this floor but with constitutional scholars on all sides of the issue. It was our assistant majority leader yesterday who observed that S. 160 has attracted—I think the words were some strange bedfellows amongst the community of constitutional scholars. We have very distinguished individuals such as Ken Starr and Viet Dinh who suggest that, in fact, S. 160 is constitutional. On the other side, we have an extremely well-respected gentleman, Jonathan Turley, who has testified that despite the best of motivations, S. 160 is fundamentally flawed on a constitutional level and would only serve to delay true reform for District residents. His conclusion is that this legislation is facially unconstitutional.

We also have a review by our nonpartisan Congressional Research Service, their assessment and their analysis, and they, too, cast doubt on the constitutionality of S. 160. Their report, dated February 17, 2009, states:

> Although not beyond question, it would appear likely that Congress does not have the authority to grant voting representation in the House of Representatives to the District of Columbia.

So the key point here is this: I believe the District of Columbia deserves representation in the House of Representatives, but S. 160 does not conclusively resolve the question of whether they will get it.

I think we have heard on this floor that this is going to lead to litigation. The issue, of course, is how do we interpret article I, section 2, of the Constitution, which says:

> The House of Representatives shall be composed of members chosen . . . by the people of the several States.

I don't think there is any dispute amongst the constitutional scholars who are out there that the District of Columbia is not a State for the purposes of article I, section 2. If the courts shall conclude that article I, section 2, of the Constitution means what it says—that only the people of the several States can send voting Representatives to the House—then basically we start all over. We start all over. We start anew with a constitutional amendment on DC representation.

So I would suggest to the body that what we are engaging in today is almost a cruel hoax because what we are doing is we are delaying the end of taxation without representation for several more years. What we are doing is getting this into the courts. Is that what the people of the District are really seeking?

I think 49 years ago the Congress understood what we needed to do in order to provide clarity and to conclusively resolve the issue of the District of Columbia with the 23rd amendment. We knew the way to handle it was to give the people of the District of Columbia a voice in the selection of the President and Vice President, and the route they chose to take was the route of a constitutional amendment. They knew then that was the proper route to take, and I would suggest that today it is the proper route to take to provide for this. This Senator believes that is what we owe to the people of the District of Columbia, to get it right the first time. Let's resolve this. A constitutional amendment passed by the Congress, ratified by the States, settles the matter of DC representation conclusively, and S. 160 doesn't.

Now, we know the history on this. This was tried once before. A constitutional amendment was adopted by two-thirds of both bodies and sent to the States for ratification. Unfortunately, only 16 States chose to ratify within that 7-year period. So we basically come back to start over. I would suggest that is the method and manner we need to approach as we try to provide representation for the 600,000 people who are residents of the District of Columbia.

I am prepared to support a constitutional amendment and to work for its ratification, and I intend to introduce that constitutional amendment today. It will not be part of S. 160. A constitutional amendment is a different process, one that is done through joint resolution as opposed to a Senate measure or a House measure. I believe amending our Constitution will provide justice for the people of the District of Columbia, and I look forward to working toward that end.

With that, I yield the floor.

AMENDMENT NO. 576 TO AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia)

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. Amendment 575 offered by the Senator from Nevada.

Mr. COBURN. Mr. President, I ask unanimous consent to offer a perfecting second-degree amendment to Senator ENSIGN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

> The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 576 to amendment No. 575.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. COBURN. Mr. President, this is simply a perfecting amendment to change the date of the actual enactment of this bill.

I ask unanimous consent to speak for a few moments on the underlying bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. I will do that for a very short period of time.

We have heard a lot about the constitutionality of this, but I think there is an important point that has not been raised, and I would take exception to the fact that this is not a partisan debate. This is about whether we really follow this wonderful little document each of us in this Chamber has sworn an allegiance to and what it says.

I wish to quote a legal scholar because I think it leads to a lot of common sense. Here is the quote:

> It would be ridiculous to suggest that the delegates to the Constitutional Convention or ratification conventions would have worked out such specific and exacting rules for the composition of Congress, only to give the majority of Congress the right to create

a new form of voting members from federal enclaves like the District. It would have constituted the realization of the worst fears for many delegates, particularly the Anti-Federalists, to have an open-ended ability of the majority to manipulate the rolls of Congress and to use areas under the exclusive control of the Federal Government as the source for new voting Members.

I have no doubt that if this present bill is passed, it will be found unconstitutional. As my colleague from Alaska stated earlier, if what we want to do is change the Constitution, the way to do that is through a constitutional amendment and a joint resolution.

So there is no question that people who are taxed have the right to representation, but there is another way to solve that. The best way to solve it is to eliminate the tax on the citizens of the District of Columbia. I will be offering an amendment this afternoon that will do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is a distressing situation where, for some reason, we have abandoned the knowledge we gained in 1977 that it takes a constitutional amendment to get representation in the Congress for the District of Columbia. There is so much in the Constitution that refers to this, but article I—the very first article—section 2, says the House of Representatives—that is what we are talking about: giving a Member of the House a vote for the District of Columbia—shall be composed of Members ''chosen every second year by the people of the several States.'' It goes on to say that the requirements of a Representative are that they should be—they must be, when elected, ''an inhabitant of that state in which he shall be chosen.'' The Senate—discussed in section 3—of the United States ''shall be composed of two Senators from each State.''

So I know there is politics here, and I hope when the Supreme Court reads this debate they look right through it because I don't think it is a sound position we are dealing with. I believe Senator MCCAIN has rightly raised a point of order as to the constitutionality of this bill.

I wish to make some general remarks.

I think the legislation is an affront to the Constitution. Professor Jonathan Turley, one of the liberal outstanding scholars of the law, who has testified before our committee a number of times, testified before the House Judiciary Committee recently—this is the language he used, and I am sure he would consider himself a Democrat. He said he considers this bill to be ''one of the most premeditated unconstitutional acts by Congress in decades.''

Congress cannot, consistent with the Constitution, pass a bill that gives congressional voting rights to a non-state without violating the plain text of the Constitution. The Framers of our Constitution envisioned a Federal city that would not be beholden to any State government. The text of the Constitution does not provide anywhere that a non-state may have a congressional voting Member. Also, the District of Columbia is not a forgotten city. In fact, it receives more Federal dollars, per capita, than any State in the United States.

History is clear that the Framers excluded the District of Columbia from having direct congressional representation. Our Founders could have placed the seat of the Federal Government within a State—and that was discussed—thus ensuring direct congressional representation from that city, but they chose not to do so. As James Madison stated in Federalist No. 43, there was fear that the State that encompassed the Nation's Capital would have too much influence over Congress. It has a lot now. The Framers feared that, symbolically, the honor given to one State would create ''an imputation of awe and influence'' as compared to other States. That is, that the State would have an advantage in some fashion.

Thus, when the Framers of our Constitution considered carefully how to treat the Nation's Capital, they provided in the District clause—article I, section 8, clause 17, of the Constitution—that Congress had the power to ''exercise exclusive Legislation in all cases whatsoever, over such District.''

So it gave Congress the legislative power over the District, clearly. Congress was, of course, made up of Representatives from States. This meant that residents of the District would not have direct representation in Congress—they understood that, clearly, from the beginning and, indeed, they have never had it—but instead, they would have indirect representation and that such direct representation was reserved only for the residents of States.

Second, this bill violates the plain text of the Constitution, as I noted. Article 1, section 2 says ''each State shall have at least one representative.'' Further, one of the qualifications to be a Congressman is to ''be an Inhabitant of that State in which he shall be chosen.'' As George Smith, the former senior counsel at the Department of Justice's Office of Legal Counsel recently wrote and was published: ''All told, no fewer than 11 constitutional provisions make it clear that congressional representation is linked inextricably to statehood.''

Congress has recognized this fact in years past. In 1977, Congress passed a constitutional amendment, which was never ratified by the States, but we passed it. It was a constitutional amendment that would have given the D.C. residents congressional representation. I suppose that was then and this is now. Now we are just going to pass a law that doesn't have to have a supermajority in Congress or be ratified by the States. That is a lot easier to do. I remind my colleagues that while political winds may change, the plain text of the Constitution doesn't. The Constitution says only States may have congressional representation, and no bill, no mere congressional legislation, no law we pass can change that fact. The Constitution is the supreme law of the land. Our legislation can't alter the constitutional requirements. We can alter the Constitution through the amendment process, as has been previously done, to fix this very problem.

Alexander Hamilton, many years ago, wrote:

> The qualifications of the persons who may . . . be chosen, are defined and fixed in the Constitution, and are unalterable by the legislature.

Finally, the District is not, as I said, forgotten. Its residents have indirect representation. All 435 Members of the Congress travel in the traffic here, go in and out of the city, and 100 Senators likewise do the same. They have done pretty well by way of getting money out of the Federal Government.

One of the Framers' concerns, which Madison articulated, was a fear that the ''host'' State would benefit too much from ''the gradual accumulation of public improvements at the stationary residence of the Government.'' According to the most recent data available, as of 2005, the District of Columbia taxpayers received more in Federal funding per dollar of Federal taxes paid than any of the 50 States. According to the Tax Foundation, for every $1 of Federal tax paid in 2005 by the District of Columbia citizens, they received approximately $5.55 in Federal spending. This ranks the District the highest nationally by a wide margin. For example, New Mexico, which is perceived to be the most benefitted State, received $2.03 in Federal spending per $1 of tax payments their citizens made. But even that amount is $3.52 less than what the citizens of D.C. receive. Perhaps, some would say Madison's fear has become a reality, with all the jobs that are here and paying good wages—how many of us would love to carve out some of these agencies and have them be settled in Birmingham or Baltimore or New York? Then that tax revenue would be spent in our States. But it is being spent here.

I am just saying I don't believe the District of Columbia is being abused. In fact, they are doing pretty well with taxpayers' money all in all. I know the argument that you don't collect property tax on Government property and everything, but they are doing pretty well under any fair analysis.

The Framers envisioned a Federal district serving as the National Government's home. That district was not to be a State, and the District of Columbia was never to be treated as a State. Granting a non-state congressional representation and voting rights in the Congress of the United States violates the Framers' intent, pretty clearly, and the plain language of the Constitution. Congress, as Professor Turley notes, ''cannot legislatively amend the Constitution by re-defining

a voting member of [the House of Representatives].''

We have all sworn to uphold the Constitution and to defend it. As written, this bill violates the Constitution and it will, I predict, be struck down by the Court. I think it is going to come back from the Court like a rubber ball off that wall. If it doesn't, we are going to learn something about the Supreme Court of the United States—something we don't want to know. I submit that we cannot in good faith vote for this bill without conflicting with our oath to the Constitution. So that is why I cannot support it.

I would just point out a recent case decided November 4, 2005, in the U.S. Court of Appeals for the District of Columbia. The panel consisted of now-Chief Justice John Roberts; Judge Harry Edwards, appointed by President Carter; and Judith Rogers, appointed by President Clinton, for whatever that is worth. I hate to even say that because we expect our judges to put away partisan activities when they put their robes on. So that is just background.

Basically, the court dealt with an argument over taxes. As part of their holding—it is a per curiam opinion; no one judge was considered to be the author. They all agreed to this language. They said:

Congress, when it legislates for the District, stands in the same relation to District residents as a state legislature does to the residents of its own State.

So we stand in the same position to the people of D.C., as set up by our Founders, as the State legislatures do to the people of the States. The court also noted:

Not only may statutes of Congress or otherwise national application be applied to the District of Columbia—

That is the tax laws—

but Congress may also exercise all the police and regulatory powers which a state legislature or municipal government would have in legislating for state or local purposes.

Then the court said:

This is true notwithstanding that the Constitution denies District residents voting representation in Congress.

So this panel, in 2005, concluded—all three judges—that the Constitution denies District residents voting representation in Congress.

I am not personally of the view that people who voluntarily live within the borders of the District of Columbia have to have direct congressional representation. I guess it is a matter that we can discuss and debate. Arguments on both sides can be made. I simply say the matter is conclusively decided by the plain language of the Constitution.

As Mr. Smith says, 11 different places in the Constitution say that representation in Congress must come from States. It does not come from districts. It does not come from territories. It does not come from tribal areas. It comes from States.

If we would like to change it, maybe we can, but we are bound by the laws and our Constitution, and a mere statutory act of this Congress is not able to reverse the Constitution. Therefore, I will object to the passage of this legislation. I think it is incorrect. I will support Mr. MCCAIN's constitutional point of order because I see no other rational conclusion.

As shown by a recent opinion from the District Court of the District of Columbia in 2005, the Constitution does not give congressional voting rights to residents of the District of Columbia.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise in support of the DC Voting Rights Act. I rise from a new seat, a new chair in the Senate. My desk is now moved to the center aisle. I rise from this desk for the very first time to speak about a new opportunity to expand democracy. That is what the DC Voting Rights Act is—it is about democracy, about fairness, and about empowerment.

The DC Voting Rights Act simply gives the District Representative full voting rights in the U.S. House of Representatives. I also want to point out to my colleagues that this is not only about the District of Columbia, but this is also about Utah. What this legislation does, in a sense of fairness and parity, is grant a seat to the District of Columbia and an additional seat to Utah. What we are doing is trying to adjust, without amending the Constitution, wrongs that need to be righted. The DC Voting Rights Act gives the District Representative full voting rights in the House of Representatives.

Right now, the District of Columbia is represented—and I might add very ably—by Congresswoman ELEANOR HOLMES NORTON, a distinguished public servant. She is called a Delegate to Congress. We call her Congresswoman. When she moves around her great area, she is also called that. What is she allowed to do? One, she is able to have a voice. That is important. So the people of DC do have a voice. But in Congress, a voice also usually means a vote. That is where it doesn't work the way we think it should. She is able to vote in her committee, but she is not able to vote on the House floor. We think that is wrong. We think she should have a voice and we think she should have a vote.

The residents of the District of Columbia are the only residents in a democratic country in the capital city who do not have a vote in determining the fate and direction of the Nation.

What we have essentially done is disempower the over 600,000 residents of the District of Columbia. Yet we do not disempower them when we call them to serve for war. The District of Columbia, through its National Guard, has served ably and willingly. Yet even though they go to fight for the entire United States of America and they are sent to war by the Congress of the United States, they have no voice, no vote in the direction of their own country. This is not right.

DC residents go by the same rules and laws as the United States of America. They pay taxes. They pay, by the way, Federal taxes because they see themselves as part of the Federal Government. But the Federal Government does not see that they have full representation. I wish sometime we could have those DC residents who fought in wars in the balconies. They fought through the National Guard, and they fought through the regular military. They have fought and they have died, most recently in Iraq and Afghanistan. But when they come home, they are treated like second-class citizens. I don't think that is right.

I also happen to believe if you pay taxes—there was a famous patriot who said: If you pay taxes, you should have representation. If it was good enough for Patrick Henry and Patrick Kennedy, it should be good for us. If you pay taxes to the Federal Government, your representative should have a vote in the Congress of the United States. That is what we want to do today.

When we think about all the major issues that are debated in Congress—the economy, health care, education, the direction of our national security—these issues affect the residents of the District of Columbia the same way they affect Maryland or Virginia or Texas or Alabama or North Carolina. Yet the DC residents do not have a vote on these issues.

How would you feel, Madam President, if you did not have anyone representing you on those issues or if your Congresspeople could have a voice but not a vote? I think the District of Columbia deserves this, and they have been waiting a very long time. The District of Columbia has been waiting for this for 200 years.

Last year when we tried, we fell three votes short. But we are in a new day in Washington, and I hope this new day will be new democracy, the expansion of democracy. We love to expand democracy around the world. Let's expand democracy to the District of Columbia.

The District of Columbia has been made the target of congressional pet projects. We often shove ideas at them. We undo what they often want to pass for themselves. We think they should be able to have a vote to exercise the direction both for themselves and for the Nation.

Currently, DC residents are represented by a delegate. This would give full voting power in the House of Representatives. It would give Utah one additional representative. This solution is fair, it is nonpartisan, and it will enfranchise 600,000 District of Columbia residents and also enfranchise the State of Utah to have one additional representative that they barely missed in a census that was flawed in many ways.

I stand today as a friend and neighbor to the people of the District of Columbia. We in Maryland live next door

to the District. Many of the constituents I represent, the sons and daughters live in Maryland, the moms and dads continue to live in the District of Columbia. I know their fierce devotion to this country, the fact that they are proud to be residents of the Capital of the United States of America. They love doing their duty by participating in their community, by paying their taxes, and going to war, if necessary. But they believe participation and taxation should have representation. I believe like they do; we should give it to them and give it to them this week in this Senate. The time is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, when we are sworn in to the Senate, we raise our right hand, put our left hand on the Bible, and swear to uphold the Constitution and laws of the United States. That is why I am very troubled and concerned that those of us who have taken that sacred oath to uphold the Constitution would, in fact, purport to violate the Constitution by passage of S. 160, the DC voting rights bill.

This bill, at various times, has been called the DC voting rights bill; at other times it has been called the DC statehood bill. Of course, DC is not a State, but DC would have to be a State under the Constitution to get the voting Member of the Congress for which the proponents of this legislation are calling.

By the way, if DC is a State for the purpose of creating a district for a Member of Congress, why would not DC be a State for the purpose of having two U.S. Senators? Of course, even the proponents of this legislation know that would be a bridge too far, but this is the first incremental step to considering the District of Columbia as a State entitled, they say, to a Member of Congress, as well as two Members of the Senate.

I believe this legislation is unconstitutional. There is a constitutional way to do it, but the proponents of this result have found that to be a tough row to hoe, to pass a constitutional amendment. So now they have come back trying to do it the so-called easy way but in a way that violates the Constitution and, I would say, cannot be reconciled with the oath that each of us takes.

I know it is common to say the courts will fix it. We ourselves have a duty to pass only legislation that we believe is truly constitutional. For us to say we have the votes now, as some of my colleagues have indicated, we have the votes to do it, but let's not pay attention to the constitutionality of it I think is a very serious mistake.

We all sympathize with the desire of the residents of the District of Columbia to be represented in Congress. But as I said, there are constitutional ways to do this, and this legislation is not a constitutional way to accomplish that goal.

I don't know how the constitutional limitation or, indeed, the prohibition to passing this legislation and expecting it to be enforced could be more plain. Of course, the Constitution in article I, section 2, limits House seats to States alone. The District of Columbia is not a State and, therefore, the District of Columbia may not have a House district and be represented by a voting Member of the House of Representatives.

I am not asking anybody to take my word for it. Let's just look at the text of the Constitution.

The text of the Constitution repeatedly and clearly limits representation in the House of Representatives to the States. The apportionment of Representatives is governed by section 2 of the 14th amendment, which provides: ''Representatives shall be apportioned among the several States.''

As I mentioned a moment ago, article I, section 2, of the Constitution establishes the House of Representatives and governs its membership. Each of that section's first four clauses specifies States—not cities, not the District of Columbia—as those entities that are entitled to representation in the House.

The first clause provides that Representatives are chosen ''by the People of the several States.''

The second clause provides that a Representative must be ''an inhabitant of the State in which he [or she] shall be chosen.''

The third clause says that ''each State shall have at least one Representative.''

The fourth clause specifies that ''when vacancies happen in the Representation from any State,'' the Governor of that State shall call an election.

Article I, section 4, of the U.S. Constitution provides that rules for the elections of House Members ''shall be prescribed in each State by the Legislature thereof. . . .''

Just as the text of the U.S. Constitution makes plain that only States are to be represented in the House of Representatives, it is equally clear the District of Columbia is not a State for purposes of such representation.

Article I, section 8, of the Constitution specifies that the Federal Government ''District,'' the District of Columbia, was to be formed ''by Cession of particular States.'' This provision distinguishes between States and the Federal District in which we are presently located formed by cession of the States.

If that is not enough—the plain text of the Constitution—then I think all we need to do is look back at the 23rd amendment of the Constitution, where the proponents of this result actually tried to do it the right way. The 23rd amendment to the Constitution, which granted the District of Columbia Presidential electors, gives the District of Columbia the number of electors it would be entitled to if it were a State. This constitutional text presupposes that the District is not a State, as that term is used in the Constitution, for purposes of apportioning Representatives, Senators, and electors.

In short, the text of the Constitution could not be clearer, that Members of Congress are to be elected only from States and that the District of Columbia is not a State.

One may be asking why would we be having this debate 230-something years since this country was founded. It has been understood and, indeed, has been the uninterrupted practice and precedent of our Republic that people have regarded the District of Columbia not as a State and not entitled to a Member of the House. Otherwise, why would this just be coming up now? From the founding until recently, the evidence shows it was understood that a constitutional amendment would be required to give the District a voting seat in Congress. Of course, since the founding, the District has never been granted a voting seat in Congress. Representation has been apportioned in accordance with the constitutional provisions I have cited every 10 years since 1790. In other words, every 10 years we have a census, and every 10 years Congress apportions seats in accordance with these constitutional provisions, every 10 years since 1790. Never in the history of this country has a Congress or a President acted on the belief or on the theory that they had the power somehow to apportion a Representative to the District of Columbia.

Indeed, the Framers of the 23rd amendment clearly thought that granting the District Presidential electors, as I mentioned a moment ago, required a constitutional amendment. Similarly, in 1977, Congress passed a constitutional amendment that would actually have given the District residents what they seek by this act of legislation. At least at that time, the consensus of Congress was a constitutional amendment was required.

If the Framers of the 23rd amendment or the authors of the DC voting rights amendment believed they could have achieved their ends by mere legislation alone without submitting themselves to the admittedly difficult process of constitutional amendment, don't you think they would have done so? Clearly, they would have done so.

Furthermore, the Federal courts have long interpreted the word ''State'' in section 1 of the 14th amendment to exclude the District of Columbia. Thus, due process, equal protection, and other constitutional challenges to District laws, such as in the recent Heller case—that was the DC gun rights case—are brought under the Bill of Rights rather than the fourteenth amendment that would incorporate the Bill of Rights and apply them to the States.

If the District of Columbia is not a State for purposes of section 1 of the 14th amendment, it seems odd to argue it is a State for purposes of section 2 of

the 14th amendment in the very next sentence of the U.S. Constitution.

The history of our first two centuries under our Constitution demonstrates an uninterrupted consensus by all three branches of Government that the District could not be represented in Congress without a constitutional amendment. Why Congress would even consider passing a piece of legislation that is going to be challenged in the courts and ultimately be decided by the U.S. Supreme Court—and I am predicting here today they will say this is an unconstitutional act by the very same Federal officials who have taken an oath to uphold and defend the laws and Constitution of the United States—why we would do this is baffling to me.

So why could anyone think a bill such as this might actually be upheld? Well, there was a clever lawyer, as there frequently is behind novel legal theories. It was not until 1991, shortly after the Constitution's bicentennial, that a clever law student first advanced the argument that Congress could create a Representative for the District of Columbia through simple legislation. Legislation purporting to do that was first introduced in 2004. This novel legal theory lacks merit, as I have argued, and cannot overcome the weight of textual and historical evidence that would all but declare that this bill is unconstitutional.

Supporters of this theory cite the District clause of the Constitution that gives Congress power to ''exercise exclusive legislation in all cases whatsoever'' over the District. Because the District is not a State, it doesn't have a State legislature, and so Congress is given that authority under the Constitution. This plenary power, it is argued, gives Congress unfettered power to determine the District's representation in Congress.

But this power cannot be used in any kind of logical way to vitiate the carefully crafted apportionment of representation elsewhere in the four corners of the Constitution. By the logic of the act's supporters, Congress would exercise unlimited plenary power to repeal freedom of speech in the District or give the District 436 representatives in the House and 101 Senators.

The absurdity of this argument is highlighted by the fact this District clause goes on to give Congress the same plenary power—''Like Authority''—over Federal institutions such as, ''Forts, Magazines, Arsenals, dockYards, and other needful Buildings,'' in the quaint language of the Constitution. But surely this does not mean that on the basis of the District clause Congress can grant a vote in Congress to a federal dockyard or an arsenal. It doesn't make any sense.

Congress should not adopt an overly aggressive or overly expansive role of its powers under one section of the Constitution that allows it to violate—somehow magically—the clear language and intent of other provisions of the same Constitution. Like all of Congress's powers, the District clause is limited by the context and the rest of the same Constitution.

As the Supreme Court of the United States first noted back in the early 19th century in Marbury v. Madison, and has continually affirmed throughout our history, if Congress could alter the Constitution's meaning through mere legislation, then the Constitution would cease to be ''superior, paramount law, unchangeable by ordinary means.''

On another note, having argued from a historical perspective, and from the text of the Constitution the historical practice, the political impact of what the Senate is being asked to do—aside from these constitutional concerns—we need to look at the impact of this legislation on the size of congressional delegations in all other States after the 2010 census and beyond.

As I noted earlier, every 10 years we recalculate how many seats will be available to the U.S. House of Representatives from each State, since there is a fixed number. Of course now it is 435. Because of that, every 10 years some States are winners and some States are losers. High population growth States, such as my State—Texas—are likely to get as many as three new congressional seats after the next census. This bill would change the list of winners and losers after the 2010 census and for every census thereafter.

Think about this, colleagues: Some States clearly are going to lose a seat or two in Congress after the 2010 census. Just as my State will gain up to three seats, there will be other States that will lose a seat because of population shifts in our country. There are other States that are not clear winners or clear losers but are on the bubble. I ask my colleagues to consider what they are doing to the interests of their State before they vote on this bill. It could be that by voting for this legislation some Senators will be putting their States on the bubble now and for decades to come.

Now, what does that mean? Well, let me ask this question: Do you want to explain to your constituents that your State must lose a seat after the census so the District of Columbia can gain a seat by this legislation? Are Senators going to vote for a bill that might mean their State would receive one less congressional district after the next census, because they want the District to have one? Do you want to explain to your constituents that you would have had another seat after the census, but instead you are going to have the same number and the District of Columbia is going to grow by an additional seat as a result of your vote on this legislation?

The increase in House membership from 435 to 437 disguises this issue, but only if you are not paying very close attention. Think about this: If the membership of the House had been 437 after the 2000 census, which States would hold those two seats today? The answer would be Utah and New York. So New York is a big loser in this bill because we are expanding membership in the House without giving New York the seat its people deserve based on the current law.

We don't know which State will be the biggest loser after 2010. If the current census projection holds, it is likely to be New Jersey or Oregon. The fact is we don't know which State would be entitled to that 437th seat if it weren't awarded to the District of Columbia by this legislation. But we do know this: There will be winners and there will be losers. And there will be a new loser every 10 years after this bill passes if it is not struck down, as I predict it will be, by the U.S. Supreme Court.

The ultimate impact of this bill on our representation in the House of Representatives is unclear, but I believe the bill's lack of constitutional foundation is clear. For that reason, I believe Senator MCCAIN's constitutional point of order should be sustained.

I will close where I started: Each of us, as U.S. Senators, has taken a sacred oath to uphold the laws and Constitution of the United States. So how, under any interpretation, would we vote to pass a law that is so clearly unconstitutional? Why is it that Congress would totally abdicate its responsibility in considering legislation to determine whether it is constitutional or not and to kick that responsibility over to the Federal courts?

I believe all of us—Members of the House, Members of the Senate, Federal judges, the President of the United States—have a responsibility to uphold the laws and the Constitution of the United States. And if this Senate passes this clearly unconstitutional legislation, it will have violated its sacred oath to uphold the Constitution, in my humble view.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, my friend from Arizona, Senator MCCAIN, this morning raised what he called a constitutional point of order about S. 160. I would like to just respond to a few of his arguments.

He is my friend, and I appreciate his leadership in this body. I appreciate the fact that he went through this great campaign and asserted such influence but also such dedication to this country. I have appreciated his dedication to our country ever since I met him. But I do have some comments to make about his constitutional point of order.

The Senator from Arizona said that this bill is obviously, plainly, and blatantly unconstitutional because the District is not a State.

For him, the constitutional debate apparently begins and ends with a single word.

As I said on Tuesday, however, noting that the District is not a State is a factual observation; it is not itself a constitutional argument.

It is a premise, not a conclusion.

There are many other factors to consider in order properly to answer the constitutional question.

The Senator from Arizona is entitled to answer that question however he choose, but I believe it is necessary to at least consider the factors relevant to the answer.

I, for one, have not avoided the constitutional issue.

I have confronted the issue directly.

I have testified about it before the Senate Homeland Security Committee.

I have spoken about it on this floor.

I have written and published an extensive article about the issue.

I have sent that article to my colleagues, including to the Senator from Arizona.

I do not demand, or even expect, that my colleagues necessarily agree with me on this issue, but I would like to hear at least an attempt to respond to those arguments.

America's founders, those who wrote the Constitution we are talking about, passed legislation allowing Americans living on the land ceded for the District to vote in congressional elections. They did that.

That land was no more a State in 1790 than the District is today.

Those Americans did not live in a State.

I do not understand why treating District residents today as if they lived in a congressional district is constitutionally different than treating them in 1790 as if they lived in Virginia or Maryland.

No one argued in 1790 that doing so was unconstitutional.

It seems to me that the Constitution would have been, if anything, even more clear and plain to its own drafters in 1790 than it is to us Senators here today.

Congress has provided, by legislation, that Americans living abroad can vote in congressional elections.

They do not live in a State.

They do not even live in America.

I would like to hear from the Senator from Arizona why Congress can provide voting rights for Americans living in other countries but cannot provide voting rights for Americans living in this country.

If it were so obviously, plainly, and unequivocally obvious that the word ''States'' in the Constitution can never include the District, then the Supreme Court would not have ruled that the authority of Congress to regulate interstate commerce applies to the District.

The Supreme Court would not have ruled that the sixth amendment right to a speedy and public trial in the State where a crime was committed applies to the District.

The Supreme Court would not have ruled that Congress can extend to the District Federal Court jurisdiction over lawsuits between citizens of different States.

The Supreme Court would not have held that the apportionment of taxes among the States applies to the District.

The Supreme Court would not have upheld Congress's authority to implement in the District the fourteenth amendment's commands regarding the States.

The Supreme Court has indeed held all these things.

If Congress could not provide for the District the House representation the Constitution gives to the States, the Supreme Court would not have affirmed a decision saying that such a goal could indeed be pursued in the political process.

I assume the Senator from Arizona is aware of these and many other similar decisions over the past two centuries.

He is certainly entitled to believe that all of these decisions were wrongly decided.

But, with respect, rather than simply repeating the word States, he should at least attempt to explain why those decisions are all wrong or, in some way, are different than the issue before us now.

And, again with respect for my colleague whom I admire, these Court decisions establish that the Senator from Arizona is simply incorrect when he says that courts have consistently ruled that the word States excludes the District.

The Senator from Arizona also asked why territories would not be entitled to the same congressional representation as the District.

As the Senator himself acknowledged, however, the District is an entirely unique entity in America.

America's founders intended that the District permanently to be a jurisdiction separate from State control.

It should remain that way.

Territories, in contrast, are jurisdictions which can, and in some cases are intended to, become States.

I am unclear why the Senator from Arizona included this argument in a constitutional point of order because it is not a constitutional argument.

It is instead a political argument, and it has been raised and addressed before.

My friend from Arizona also questioned whether Utah is included in this bill.

As the Senator from Connecticut explained, both before and after the remarks of the Senator from Arizona, the House of Representatives must have an odd number of Members.

One will go to the District, and the other to the State which would have next qualified for one under the 2000 census.

As such, this decision was, as the Senator from Arizona said it should be, based on census data.

It is not, as he alleged, simply an arbitrary, irrational, backroom partisan political deal.

This debate about what the Constitution allows Congress to do is important and worthwhile.

I believe the constitutional foundation of this bill is more than sufficiently solid to justify voting for this bill and I hope my colleagues will.

I hope my colleagues will vote down this constitutional point of order which I think is not justified under either the Constitution or under our rules.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 6 minutes.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 474 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. It is fortuitous that I happened to be on the Senate floor managing the DC Voting Rights Act. But I take this opportunity to thank my friend from Iowa for this introduction of this legislation.

It is consistent with not only the actions that I have been privileged to be involved with him on but what our committee has stood for. We will give it a thorough review and, hopefully, we will be able to bring it forward. Senator AKAKA is a very active and senior member of our committee. I am sure his advocacy will help a lot in moving the legislation forward. I thank my friend from Iowa for introducing this legislation.

The PRESIDING OFFICER (Mr. CARDIN). Under the previous order, the first 10 minutes prior to the 2 p.m. vote are equally divided and controlled by the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Arizona, Mr. MCCAIN.

Mr. LIEBERMAN. Mr. President, I believe the distinguished Senator from West Virginia, Mr. BYRD, is going to speak in support of the point of order Senator MCCAIN has raised.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I oppose S. 160, the District of Columbia House Voting Rights Act. I must—in other words, I have to—review and renew my objections to legislation of this kind. I have to speak and speak loudly—can you hear me—to its flaws, as I have done when similar erroneous attempts have been made to amend the Constitution with legislation.

As I have said previously, my quarrel is not with the intent of the legislation

but with the vehicle with which the Congress is seeking to effect this change.

What does the Constitution say? Article I, section 2, of the Constitution says—now listen:

The House of Representatives shall be composed of Members chosen every second Year by the people of the several States . . .

The Constitution does not include the residents of the District of Columbia in this context as a State.

We know—or we ought to know—from our history books that our Founding Fathers sought out a Federal city that would not have to rely upon the protections of any one State. Their vision, the vision of the Founding Fathers, a center of government apart from the States, is seen in the distinction made in article I, section 8, between the ''States'' and a ''District.'' Therefore, under the Constitution, the District is not a State. Consequently, a constitutional amendment is required to give the District's citizens voting representation in Congress. This is the step that ought to be taken. It is the step I have consistently supported. As far back as 1978, as the majority leader of the Senate, this body, I—let me identify myself: ROBERT C. BYRD—spoke in support of and voted for H.J. Res. 554, a joint resolution that proposed amending the Constitution to provide for representation of the District of Columbia in Congress. Where is that? Here.

Every Member of this Senate ascribes to the underlying tenet of our system of government; namely, that the Government of the United States of America serves only by the consent of its citizens, as expressed through their elected representatives. That is us, their elected representatives. Every Senator seeks the goal of upholding and perfecting our representative form of government, but the difference lies in how we seek to effect those rights.

I contend that this is no way to go about doing it. While the goal in this case is laudable, it is a dangerous course on which we embark. Simply passing a law that grants voting rights to an entity that is not a State is plainly circumventing the Constitution. As John Adams noted: ''Facts are stubborn things.'' Let me say that again. This is John Adams talking now, not ROBERT C. BYRD. ''Facts are stubborn things.'' That is right, I may say to the Senator.

Facts are stubborn things; and whatever may be our wishes, our inclination, or the dictates of our passions, they cannot alter the state of facts and evidence.

So I say this imperfect method of legislation employed to amend the Constitution has already been met with swift opposition and solid opposition. The text of the legislation anticipates that very outcome by providing for the Court's expedited review. And legal challenges will surely come quickly—don't doubt it—calling into question the validity of this legislation, and the fate of the District's long-sought voting rights will be further bogged down in a swamp—a swamp—of litigation.

Providing voting rights for the District through a constitutional amendment would provide the clarity and the constitutionality needed and would also avoid the path of litigation. Anything short of a constitutional amendment will be insufficient and will certainly set a dangerous precedent.

While it is indeed an arduous task to amend the Constitution, and rightly so, thank heavens, something so critical as representation in the House for the people of the District of Columbia compels it. Shortcuts have no place here. In this instance because of litigation, any shortcut, so-called, may turn out to be the long cut, the long way home for the very deserving, long-suffering people of the Capital City of this country, Washington, DC.

I will support the point of order raised by Senator MCCAIN against the underlying bill, as it addresses this most crucial issue.

I thank the distinguished, very able Senator. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, during the remarks we have just been privileged to hear, the Senator from West Virginia said: ''I—let me identify myself: ROBERT C. BYRD.'' May I say, there was no need for that identification. There is only one ROBERT C. BYRD. And may I add, it has been an honor to serve with you now for 20-plus years, to learn from you, to respect your love of the Senate, of the Constitution, and to hear you deliver the remarks that you have just delivered.

Mr. BYRD. It has been my honor, my dear friend.

Mr. LIEBERMAN. Thank you, sir.

In the spirit of your history of great debate, I nonetheless, and with total respect, rise to oppose the point of order brought forth by the Senator from Arizona.

We have here a contest between two provisions of our great Constitution. The Senator from Arizona and the Senator from West Virginia rely on the provisions of article I, section 2, clause 1 that says the House Members be chosen by the people of the several States. Those of us who support the measure before us, S. 160, rely instead on article I, section 8, clause 17, the so-called District clause.

It is true the Constitution does require that House Members be elected by the people of the several States. But it is also true Congress has repeatedly not applied that language literally. To fully protect the interests of people living in the Capital City, the Framers gave Congress extremely broad authority over all matters related to the Federal District under the so-called District clause I have referred to.

Here is where the courts have spoken exactly to where we are now. The courts have said this clause, the District clause, gives Congress extraordinary and plenary power over the District of Columbia and, more to the point, have upheld congressional treatment of the District as a State for very important purposes of diversity jurisdiction and interstate commerce.

Article III, for instance, of the Constitution provides that courts may hear cases ''between Citizens of different States.'' The Supreme Court actually initially ruled under this language that residents of our Nation's Capital could not sue residents of other States in Federal courts. But in 1940, Congress said that was wrong and asked that residents of the District be treated as a State for that purpose, a law that was upheld in the case of DC v. Tidewater Transfer Company of 1949.

The Constitution also allows Congress to regulate commerce among the several States. That is the language of the Constitution, which literally would exclude the District of Columbia and make it impossible for its residents to enjoy all the protections adopted under the Commerce clause. But Congress's authority to treat the District as a State for Commerce clause purposes was upheld in the case of Stoughtenburg v. Hennick.

So what we are asking for has constitutional precedent. More to the point, ultimately, or as much to the point, is the underlying reality that the Senator from West Virginia and the Senator from Arizona speak to eloquently, which I presume all of us share, which is, it is an outrageous injustice that 600,000 residents of America who happen to live in our Capital City do not have any voting representation in Congress.

Final point. The legislation before us presumes that there will be a legal challenge to its constitutionality, and that will be decided under the expedited procedures provided for in this legislation, in wording almost exactly similar to that provided in the so-called McCain-Feingold landmark campaign finance reform legislation. The Supreme Court will decide.

So if you feel the status quo is unjust, I still urge you to vote for this legislation, even if you wonder about the constitutional basis of it because ultimately that is the judgment of one of the other two branches of our Government that the Supreme Court will decide. Therefore, I respectfully ask my colleagues to vote no on the point of order.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am aware that the hour has expired. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I cannot add to the persuasive argument presented by the most respected Member of the Senate on constitutional matters and other matters. I thank Senator BYRD for his opinion. I thank him

for his many years of service. I know all of us, however we vote on this issue, respect and admire his views. Thank you, sir.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the constitutional point of order raised by the Senator from Arizona, whether it is well taken. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—36

Alexander	Cornyn	Kyl
Barrasso	Crapo	Martinez
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Graham	Risch
Burr	Grassley	Roberts
Byrd	Gregg	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker

NAYS—62

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the constitutional point of order is not well taken.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AMENDMENT NO. 579

Mr. THUNE. Mr. President, I call up my amendment that is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, and Mr. RISCH, proposes an amendment numbered 579.

The amendment is as follows:

(Purpose: To amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia)

At the appropriate place, insert the following:

SEC. _____. RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Respecting States Rights and Concealed Carry Reciprocity Act of 2009''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

''(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

''(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) SEVERABILITY.—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

Mr. THUNE. Mr. President, my amendment is a very simple amendment. It allows individuals the right to carry a lawfully concealed firearm across State lines while at the same time respecting the laws of the host State. It is very similar to legislation I introduced earlier, a stand-alone bill, S. 371, which currently has 19 Senate cosponsors.

As I believe and the Supreme Court found last June, the second amendment of the Constitution provides law-abiding citizens have the right to possess firearms in order to defend themselves and their families. As such, I believe a State's border should not be a limit on this right. Today, there are 48 States that have laws permitting some form of concealed carry. While some States with concealed carry laws grant reciprocity to permit holders from other select States, what my amendment would do is eliminate the need for these laws by allowing an individual to carry a concealed firearm across State lines if they either have a valid permit or if under their State of residence they are legally entitled to do so.

After entering another State, the individual must respect the laws of the host State as they apply to conceal-and-carry permits, including the specific types of locations in which firearms may not be carried. Reliable empirical research shows that States with concealed carry laws enjoy significantly lower violent crime rates than those States that do not. For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

My amendment is relevant to this debate because it underscores the selective support that the District of Columbia has when it comes to individual rights such as the second amendment, and together with Senator ENSIGN's amendment will increase these rights. Specifically, anytime the word ''State'' is mentioned throughout my amendment, DC is also explicitly mentioned as well.

My amendment is a common-sense measure that will strengthen public safety throughout the Nation. And I would hope if the Senate is willing to pass the unconstitutional legislation that is before us—the underlying bill creating an additional Member of Congress within the District of Columbia—then the Senate should also be able and willing to pass amendments which are constitutional and protect each citizen's second amendment rights.

Mr. President, I urge my colleagues to support this amendment, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 585

(Purpose: To provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes)

Mr. KYL. Mr. President, in a few moments I am going to propose an amendment. I thought to conserve time that I would simply describe the amendment now, and then as soon as it is copied, I will distribute it and ask unanimous consent that the pending business be laid aside so that I can offer that amendment.

This is the retrocession amendment. It is an amendment that has been frequently offered in the House of Representatives over the years, and it is the alternative to the constitutional mechanism for providing the District of Columbia with representation in the House and Senate.

Rather than going the constitutional amendment route, there is one thing we know we can constitutionally do legislatively. Congress has the ability to retrocede to the State of Maryland all of the non-Federal areas within the District of Columbia that adjoin Maryland. The effect of that, obviously, is to give the residents of the District of Columbia today the same rights as other citizens of Maryland, if this procedure were to be followed.

Under this amendment, it would require an affirmative action of the Legislature of the State of Maryland, so that if the Legislature of Maryland did not wish to proceed with this, then it would not occur. It also would require the repeal of the 23rd amendment to the Constitution, as I will describe in just a moment. But the effect of it is, as I said, to allow the residents of the District to enjoy representation in both the House of Representatives and the Senate. It would do so without violating the Constitution's requirements that only States be represented in Congress and it would do so without creating a city state that would have disproportionate leverage in Congress and over the Federal budget.

The amendment provides quite simply that after certain conditions are satisfied:

The territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

Retrocession, as I said, includes a minor exception for the so-called national areas—the White House, the Capitol building, the Supreme Court building, and the other Federal buildings and monuments around the National Mall. The length of the amendment is simply due to the fact that there is a full description in section 3 of the amendment of the area that would remain under the exclusive jurisdiction and control of the Congress.

There is an important transition provision that would allow lawsuits begun in the District of Columbia to be continued in Maryland courts. The amendment also provides that until the next reapportionment, the DC Delegate will serve as a full Member of the House of Representatives from Maryland. As I said, there are two conditions that would have to be satisfied before it takes effect. First, the State of Maryland would have to enact accepting the retrocession of the District to Maryland; and second, amendment XXIII, which currently gives the District three electoral votes in Presidential elections, would need to be repealed.

The reason for this is that in the absence of such a repeal, amendment XXIII might be construed not to be mooted and might be construed to give the very few residents living around the National Mall three electoral votes. The intent here is not to capture anyone who actually has an abode in that area, but there are some people who might be living there nonetheless.

We believe the amendment is the most reasonable means of providing representation in Congress to the residents of the District. It is a solution that is based on precedent. Obviously, as we all know, in 1846 the part of the District south of the Potomac River was retroceded to the Commonwealth of Virginia and became Arlington County and old Alexandria. We have done this before. We know how it works.

If we adopt the amendment, the residents of Maryland could have a vote in the House and in the Senate within a year or two. If we continue down our current unconstitutional path, the legislation will be tied up in litigation for several years and, at least in the view of many of us, then struck down and we will be back at the drawing board. Unlike proposals to grant statehood to the District of Columbia, retrocession provides representation to the District residents in the national legislature but without creating a city state that would further skew representation in the Senate.

In that regard, I would note that the number of people represented in most of the congressional districts of the United States exceeds the number of people who are residents of the District of Columbia. As State population continues to grow, there is every reason to believe that ratio would continue to exist.

I urge my colleagues to support this sensible constitutional means of providing representation in Congress to the residents of the District of Columbia.

At this point I ask unanimous consent that pending business be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL) proposes an amendment numbered 585.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. KYL. Mr. President, I note for the benefit of colleagues that we now have, I think, two pending amendments.

I urge my Republican colleagues, if they wish to speak to either of these two amendments or to lay down further amendments—we have good cooperation here on both sides of the aisle to move forward with this legislation, and if Members who have an interest can be here and express their views or offer their amendments, we can move through the bill more quickly.

I will suggest the absence of a quorum here, but in the event Members on the Republican side wish to speak, certainly this would be a good time for them to come down and speak to the bill and offer amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, there are several amendments pending. This is a bill which is trying to make history. I thank Senator LIEBERMAN, Senator HATCH, and others for bringing this bill to the floor. We have 600,000 residents who live right here in the District of Columbia who do not have a vote. They do not have a vote in the House of Representatives nor in the Senate. They never have. They were created as a kind of Capitol District without a voting Congressman, Congresswoman, or Senator. Of course, the people in the District of Columbia pay Federal taxes. Their sons and daughters take an oath to protect America and march off to war. At least seven have recently died in Iraq and Afghanistan. They are bound by virtually all the Federal laws that people in Illinois or Oregon or Connecticut would be bound by, but they do not have a voice.

There is no representation of 600,000 people. I think that is a gross miscarriage of justice. I salute those who bring this bill to the floor today to give the District of Columbia, specifically the 600,000 people who live here, that voice in Congress. It is long overdue.

But there is an interesting relationship between Congress and the District of Columbia. Even though they do not have a voice in the Congress, Congress has always had a voice in the District. Congress has assumed a role somewhere between Governor and mayor when it comes to the District of Colombia. I have seen it when I served in the House and the Senate. A lot of Members from all over the United States of America who secretly long to be mayors get their chance. They come to

Washington, they come to Congress, and they sit down and they play mayor for the District of Columbia.

They make all kinds of decisions, decisions that do not relate to war and peace or Federal Government; decisions that in most places are going to be confined to mayors and city councils or Governors or legislatures. People in Congress cannot suppress the urge to be mayors, so they make all kinds of rules for the District of Columbia. Some of them are nothing short of outrageous.

They delve into issues which the people in this city ought to decide for themselves—zoning issues, issues of public health, issues that, frankly, we do not have any business working on. But we can't stop ourselves. These Senators who want to be mayors get their chance. You can be a Senator from another State, but you can play part-time mayor in the District of Columbia.

That is one of the good reasons for this underlying bill, so finally at least some person can stand up in the House of Representatives and say: I am representing these people and these people do not care for what you are doing to them.

Along come a couple of amendments here. They are in this big constitutional debate, history making, about the future of Washington, DC, and several of my colleagues cannot suppress the urge to be mayor. They want to be mayor of the District of Columbia.

One of them has come in with a proposal relative to firearms in the District of Columbia. This is offered by Senator ENSIGN of the State of Nevada and about a half dozen or a dozen other Republican Senators. Here is what they are trying to do.

They want us to write the ordinances for firearms in the District of Columbia. Are we going to do it in a committee hearing? Bring in the police? Bring in the experts? Sit down and do this thoughtfully? No. We are not going to have any committee hearings. We are going to allow the National Rifle Association to write the gun ordinance for the District of Columbia.

Do you want to guess what is going to be in that ordinance? Not much, when it comes to dealing with firearms.

I guess you could be sarcastic and say why would you worry about controlling firearms in Washington, DC? I am not going to be sarcastic because I can recall a time not that long ago when a deranged individual brought a gun into this Capitol building and fatally injured two Capitol Hill policemen before he was finally suppressed.

I can recall when a President of the United States at the Washington Hilton hotel on Connecticut Avenue, a man by the name of Ronald Reagan, was shot down in the District of Columbia.

I can recall time and again the efforts made, by men and women who are Capitol police officers, to protect us and our visitors, wondering at any moment whether someone was going to open fire on them.

I can recall not that long ago an inauguration with 2 million people on the Mall and the overwhelming concern we all had for the safety of everyone involved and particularly for our new President or First Lady, the First Family. I saw the length we went through to protect them because of the obvious—we live in a dangerous place. We live in a dangerous time. A person with a gun, if they are willing to lose their own lives, can take out the lives of almost anyone. That is a fact. So, is there reason for us to be careful when it comes to guns? In my hometown of Springfield there is. In the great city of Chicago that I represent, you bet there will be. Kids are getting gunned down every day—certainly in Washington, DC, our capital city.

Guns need to be taken seriously—I won't say more seriously. Every life is precious. But when we are entertaining visitors from around the world who come to our Washington, DC, U.S. Capitol, we want to offer them protection and safety as they travel. Maybe it is a special circumstance here. But this town needs to be as safe as possible, for the people arriving here, for the visitors, for all of us.

So the National Rifle Association has decided they want to establish the standard for firearms in the District of Columbia. Let me tell you what they would do, to give you an idea if they could write the ordinance for guns in the District of Columbia, with the Ensign amendment. There are a few things they would like to do. The amendment would provide:

> The District of Columbia government shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.

If that is your starting point, listen to what follows. It blocks the District of Columbia from passing any background check or registration regulations, even sensible regulations that are needed to help law enforcement know who is buying guns. So the first thing the NRA wants to do is say we cannot ask you for a background check to find out if you should be able to own a firearm in the District of Columbia. What a great starting point.

It also prevents the District of Columbia passing laws that require gun proficiency training. It even prohibits them from educating parents about child gun safety.

You read the stories—we all do—about children killed when they find a firearm at home, play with it, shoot themselves or a playmate, a little brother or a little sister. This bill would prohibit the District of Columbia from establishing gun safety training.

The amendment would also prohibit the DC City Council from taking steps to unduly burden—that is the language of the bill—the acquisition or use of firearms by persons not already prohibited under Federal law. That means that DC could not pass a law, for example, restricting access to guns by those convicted of misdemeanor sex offenses involving a child.

That is a fact—because the Federal law does not prohibit that, DC could not. A person convicted of a misdemeanor sex offense with a child could not be prohibited, under this NRA amendment, from owning a firearm in the District of Columbia. Make you feel safer? Would it make anyone feel safer? Obviously, some people at the NRA would.

Let me tell you what else. It repeals the age limits for legal gun possession. Now, this is a good one. Let's basically say you cannot tell someone you are too young to own a gun or maybe too old and feeble. It repeals DC's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. How many times have we heard the stories on college campuses, in my State, in the State of Virginia, of someone who had a serious mental illness, turned to violence and killed innocent people?

It happened in Illinois. It happened in Virginia. It happened in other places. So governments try to keep guns out of the hands of people who are mentally unstable. The Ensign amendment would stop the government of the District of Columbia from imposing that standard when it came to possession of a firearm.

It also repeals, while we are at it, not just those voluntarily committed to mental institutions, but it would repeal the DC government's prohibition on gun possession for those who have been judged by a court to be chronic alcoholics; you cannot stop them. Under this Ensign amendment, they can own a gun. It is their second amendment right.

Well, I will tell you what. That is not what the Supreme Court said. The Supreme Court said reasonable regulation of firearms was still the standard in America. But I am afraid the Ensign amendment goes way beyond reasonable regulation.

Well, here is another one. What if you had a requirement that before someone could buy a gun in the District of Columbia, they had to be able to see, a vision test. Not unreasonable. You want to have a gun or drive a car, you ought to be able to do it safely. This bill would prohibit the District of Columbia from imposing an onerous burden that a person has to pass a vision test in order to own a firearm.

I find this incredible. It is also unimaginable to me that this law expressly allows the residents of the District of Columbia to cross borders into our States, buy firearms and come back. There is no restriction, no limitation.

Now, I admit it has not worked very well. There has been a lot of gun violence in this town, even with that law. But why do we want to raise this white flag and say we are not even going to

try to restrict or limit them? So when the supporters of the Ensign amendment say DC does not need any gun laws because Federal gun laws are strong enough, pay attention, they are, in fact, trying to weaken Federal gun laws at the very same time they are passing this amendment.

We do not debate guns around here much anymore. We used to. Basically, we reached a point where there are not many people who will stick their political necks out to vote for sensible gun control—too big a hassle. The NRA is going to target you back home, and you are going to have to spend a lot of money to try to explain to people, as I have, if you want to own a gun, if you want to use it safely, responsibly, for self-defense or sporting purposes, your right should be protected.

But you also ought to accept the responsibility, the responsibility to make certain that people check on your background so you do not have a criminal record, a history of mental illness, chronic alcoholism. You ought to be able to limit the kind of guns people buy. I mean, there are some people in my State and all over who say you should not limit people. They should be able to buy whatever they want.

I do not buy that. I have always said, if you need an AK–47 to go deer hunting, you ought to stick to fishing. Obviously, you do not know how to use a gun, you just want to spray bullets until something stops moving. There are also limitations in most places as to where you can take your gun and how you can use it. I do not think that is unreasonable.

Coming from a family, people who are hunters and sportsmen, they are pretty conscientious. They lock up the guns in the gun cabinet. They know when the rabbit season starts and when the squirrel season starts and they are out there. They do not want to take their gun into the mall. It would not make, in my opinion, sense to them. That gun has a purpose.

But there are other people who disagree, people who think this is an absolute right. I am afraid that is what has inspired the Ensign amendment. I do not know if Senator ENSIGN or the people, the dozen or so folks who have cosponsored this amendment, have all gone back to their home States and said: We hope you will do exactly this. My guess is they have not. My guess is Senator ENSIGN has not gone to the mayor of Las Vegas and said: Let's take all the gun laws out; that ought to help us bring in some tourists. I do not think he has done that. Maybe he has, in all fairness. I will give him his chance to respond to that on the floor.

But it strikes me as peculiar and fundamentally unjust that Senators who will not impose these standards in their own hometowns want to impose them in the District of Columbia. They do not have the courage to stand in their own hometowns and say: We ought to let people with a history of mental illness have guns. Why? Because reasonable people would say to them: Are you out of your mind? They would not say someone judged by the court as a chronic alcoholic ought to be able to buy an assault weapon. Not unless you happen to live in the Nation's Capital, where Senators get to be mayor, where Senators try to write gun laws, where Senators pass ordinances here. It is a shame.

It has been going on for a long time. I am not picking on the sponsors of this amendment. It has been going on as long as I have been here. But it does not make any sense. If there was ever a town, and if there was ever a time where we should take the extra measure to be safe, it is this town at this moment.

We have to make sure the men and women who serve in elected office, the wonderful staff people whom we have, the millions of visitors who come into this building come in with peace of mind, knowing they and their families are going to be safe, not to worry that some law passed in the Senate is going to create a shooting gallery right outside the Capitol grounds.

This amendment does not make good sense. It certainly does not make common sense. It is not required by the Supreme Court. It is an amendment that basically is an attempt for the National Rifle Association to do a little temperature check, find out where they are in this new Congress, to push to the limits the gun issue and to see who is going to follow it.

I know a lot of Members who said: Well, that is their decision, I respect them for it. But I respectfully disagree. Let us keep DC safe. Let's make sure all the people who value this city and the great tradition and heritage of this city take an extra measure to make it a safe place for visitors, for those who live here, for kids going to school, for folks going to church on Sunday. I do not think they deserve anything less.

If one of those Senators, any one of these Senators want to stand up and say: I have proposed this gun ordinance in my hometown and my home State, I think it should apply to Washington, they would have more credibility. But without that, they just want to experiment, experiment on a city that for over 200 years has not had a voice in this Congress, experiment on a city that is a helpless victim, many times to these political experiments that people like to try, through Congress, on Washington, DC.

I urge my colleagues: Read this. Take the time to read this amendment. Pause and reflect and ask yourself one question: Would I want this in my hometown? Is this a standard? I know some will say yes, but most will say no. This is extreme. This goes too far.

The District of Columbia is trying its best after the Supreme Court challenged and voided one of its ordinances. It rewrote its gun law. It allows for the registration of pistols, revolvers, and long guns for self-defense at home. So people in the District can have a gun in their home for self-defense.

It bans assault weapons and junk guns used for crime. It prevents persons with a history of violence within 5 years from registering a gun. It prevents a person convicted of domestic violence or who is the subject of a protective order, within 5 years, from registering a gun.

It prevents a person with multiple alcohol-related offenses within 5 years from registering a gun. It requires that an applicant for a gun complete a firearm safety training course. It limits an applicant to registering one gun every 30 days. It bans magazines on guns over 10 rounds. It tightens gun dealer licensing requirements. It requires all new semiautomatic pistols to be stamped so they can be traced in a crime.

It protects children by requiring registrants to safely store their firearms, and it abolishes concealed carry licenses, except in very narrow circumstances. That is the law if you want to own a gun in the District of Columbia. If you have a legal right to do so, you have to follow some basic rules, commonsense rules, rules that will be thrown right out the window with the Ensign amendment.

That is not good for the District, it is not good for America. I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 573

Mr. DEMINT. Mr. President, I appreciate the comments of the Senator from Illinois, and I think it helps to set up some of my comments as well. We are talking about a bill on DC voting rights that has a lot to do with our Constitution. I have an amendment to that that also has a lot to do with our Constitution; that is, the right of free speech and the right of freedom of the press, what we will call the Broadcasters Freedom Act.

The interesting point about the talk of my previous colleague is, he was talking about the urge to be mayor here in the Senate. It is interesting, after we just passed this massive stimulus bill, where we were telling not only mayors but every Governor in the country what they had to do and how they need to spend their money, to control everything from education to health care.

We cannot resist the urge to be Governors and mayors and, in fact, we cannot resist the urge to substitute our opinions of what should happen to our whole constitutional form of Government. It is interesting to hear about the guns amendment and the opinions there. I respect the Senator's opinion about the gun laws, what they should be.

But the fact is, that what we do here is not about our opinion, it is about our oath of office, of protecting and defending the Constitution. The Constitution does not give me a right to decide who is going to bear arms. I mean it is a basic constitutional right.

It does not give us the right to use our own opinions and good intentions

on every piece of legislation. One of the reasons as a country we are so much in debt—and this is attributed to both parties—is we have moved away from any constitutional mooring of limited Government to the point now where it is whoever's opinion can prevail is what passes.

An appeal to the Constitution is almost irrelevant. There is no way you can interpret the Constitution to say the Federal District of Columbia is going to have Congressmen and Senators. Now, I respect an opinion of anyone who says it should not be that way, that people who pay taxes should have Congressmen and Senators. But the fact is, our oath of office is to defend the Constitution, not to employ our own opinions, to do what we think is right, to get money for our States.

That is a pretty simple judgment to make in this case, if we can count, if we can look at the language of the Constitution and see something so obvious. Now, sure, we do not like it, we do not like the way it has turned out. There are 600,000 people living here and a lot of people with very good intentions say they should have the same rights as States. But that is our opinion, it is not the Constitution.

What worries me about a lot of our rights that are given in the Constitution, particularly our Bill of Rights, not only the right to bear arms, which people's opinion is being substituted for the Constitution, but the same thing has happened with the right of free speech, the freedom of the press in our country, which has been so instrumental to maintaining freedom and the ability of the American people to be vigilant over their Government, finding out what is going on here.

Back in 1949, the Federal Government implemented what was called the fairness doctrine over concerns that with the relatively few number of radio stations across the country, a diversity of opinion would not be heard.

Substituting our own good opinion for that of the Constitution, there are some in Washington who decided we needed to referee what was said on radio.

If one political opinion was expressed, the fairness doctrine required that they have an opposite opinion also expressed. The whole idea was to create a diversity of points of view. The fact is, as with many things we do here, it had exactly the opposite effect of what was intended. It put a chilling effect on political speech because what radio station would want to deal with the liability of expressing an opinion if someone else was going to come in and say they had to have somebody else express a different opinion? It violates the right of free speech and, in the process, actually puts a chilling effect on the development of political points of view in radio.

In 1987, it had become obvious what this was doing. Thousands of radio stations were developing all over the country. The Reagan administration overturned this so-called fairness doctrine, which was really a radio censorship act. With that act gone, we have seen the development of radio talk shows all over the country. One can tune in anywhere and get all kinds of diversity of opinion.

Frankly, it has become very annoying to a lot of Congressmen and Senators. There is nothing worse than going home and trying to tell people one thing, and they actually find out that is not the truth. Increasingly, that has been happening with bills we are passing, when folks back home find out through talk radio those guys didn't even read that bill. The front cover of that bill says it is not amnesty, but the bill says it is. The President says there are no earmarks, but open it up and there are thousands of earmarks in the bill. The President says he is expanding our energy supplies, but then look and see that they actually have a drilling moratorium that we didn't know about.

Talk radio has become very annoying to politicians who don't want Americans to know the truth. So increasingly a number of people in Congress are looking back to that fairness doctrine and thinking we need to bring it back. We need to censor radio talk shows. We need to create that liability, that risk. Every time someone freely expresses an opinion, that station needs to know that they are liable to make sure another opinion is expressed.

Who is going to decide what should be expressed? The Governors and the Mayor in Washington? In fact, what we are finding out is so many people on the other side can't resist the urge to be Founding Fathers. They want to change the Constitution and change what it means and ignore it. But freedom of speech is so important. The fact is, people in this Senate who swore an oath to the Constitution are actually advocating bringing back radio censorship and certainly will eventually apply it to the blogosphere and the Web. They will not stop with radio talk shows. We need to act to make sure this oppression, this tyranny is not reimposed on the American people.

It is not just important to protect what radio talk show hosts can say. What we are really trying to protect is what millions of Americans are free to listen to: different opinions, facts, information about where to find more complete information about what is going on. The primary reason more and more Americans are standing up and are outraged about what is going on here is because they are finally finding out the truth about what we are doing, how much money we are spending, how much we are borrowing, the porkbarrel earmarks we are sending all over the country, basically changing the mission of the Federal Government from one that stands for the national interest and constitutional government to one that is essentially trying to run local governments and State governments and to rearrange the Constitution.

The Federal Communications Commission could actually reimplement this radio censorship idea without Congress. That is why my amendment I will offer tomorrow, the Broadcasters Freedom Act, will prohibit the Federal Communications Commission from bringing back any part of the radio censorship they called at one time the fairness doctrine.

Some here will say it is not germane to this debate on DC voting rights. But DC voting rights are about the Constitution and whether we will follow it. If we don't respect the Constitution on one issue, why should we respect it on another? The fact that people at the FCC and here in Congress are talking about bringing it back means it is germane to this discussion. It is germane to everything we do here, the right to freedom of speech. The freedom of the press is so foundational to our form of government, our way of life, it is germane to everything we do here.

This amendment is so important to what we do because if we can't get the American people informed and engaged and activated and get them to stand and express their outrage, this Government, this Congress, is going to continue to violate the Constitution at every turn; to substitute their opinion, whether it be the first amendment or second amendment, any time their opinion is different from the Constitution. Their belief and the prevailing belief here in Congress is, if you can pass something, then it is legal. It doesn't matter if it violates the Constitution. What will matter is if the American people know what we are doing. They are going to stand up. They will e-mail. They will call. They will express their outrage to these people who are taking our constitutional rights every day. They are going to hear from the people back home, and they will back down or they will be brought home at the next election.

That is why radio freedom, freedom of the press, talk radio, bloggers, cable TV, all these alternative media that are going around, the New York Times and the other liberal press, and taking the truth and the facts to the American people is something we have to protect with our lives in Congress. The broadcasters freedom amendment that will be offered tomorrow is critically important to what we do.

I urge all of my colleagues, don't buy these lame arguments that it is not germane to this constitutional debate. Don't buy the argument that it is not relevant because no one is bringing it up. We have seen what people can sneak into bills that we don't get a chance to read. We need to make it a law that the FCC or this Congress cannot implement any aspect of the fairness doctrine. That is what this amendment is about.

I urge colleagues to take the Constitution seriously, take this amendment seriously. Vote for it and show

the American people that we will stand for their constitutional rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I rise to support the District of Columbia House Voting Rights Act. For too long politics has trumped basic fairness. This is not a bill for statehood but one that ensures the simple and long overdue right of American citizens to have a voice in their Government. It is the duty of any democracy to have every citizen represented. America is a model for democracy around the world. Right here at home in our own Capital City almost 600,000 Americans live without a full vote in their Government. Passage of this bill is a matter of fundamental rights. Citizens of Washington, DC, pay taxes like everyone else, but they have no voice in how their taxes are spent. The phrase ''no taxation without representation'' used by the original Thirteen Colonies is every bit as relevant today.

The residents of our Capital City pay one of the highest tax rates in the Nation, but they do not have a single voting representative in either House of Congress. Unlike every other city in America, Washington, DC, is forced to remain dependent upon Congress for even the most basic functions. Congress has control over DC's local budget. Congress can review and overturn laws that DC residents pass. Even more important to consider is the brave service and sacrifice Washington's men and women in uniform make in serving our Nation in the Armed Forces. These great patriots deserve full participation in Congress.

The foundation of our system of government is that all citizens are represented in the Federal Government. Today we must make good on the promise and grant full and fair representation to the people of Washington, DC.

This issue has been around a long time. Finally, in this bill, we have a balanced and sensible approach, one seat for the District of Columbia and one additional seat for the State of Utah.

I urge passage of this bill to give full, equal voice to the residents of this District and allow those 600,000 citizens to finally become full members of our Republic.

I yield the floor.

AMENDMENT NO. 575

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by the Senator from Nevada, Mr. ENSIGN, with regard to gun control. I do so for five reasons.

First, this amendment is completely unrelated to the DC House Voting Rights Act before us today. If it bears any relationship to this bill, it is in an inadvertent, unintended way to make the point of how badly we in Congress treat the District, as if we have the right not only to deprive it of voting representation in the House of Representatives—600,000 residents without voting representation, no government with consent of the governed—but we exercise, by this amendment, if it passes, the right to intervene in the District when its own legislative body, the council, has legislated and impose our desires on them.

Let me come back to my first point. The amendment is unrelated to the DC House Voting Rights Act. We should not be adding controversial, non-germane issues to what I believe is a historic civil rights bill that finally nullifies what has gone on for most of American history, which is a voting rights injustice. Residents of the District have fought for decades to win the voting rights the rest of us take for granted. It has taken tremendous work over more than this year to get this bill to where it is today, to enable us to actually be on the Senate floor debating a voting rights bill.

We had a good debate earlier on a constitutional point of order raised by the Senator from Arizona, Mr. MCCAIN, that went to the heart of the bill. That is what we ought to be debating. That point of order was rejected, but it was relevant to what we are all about in S. 160. Congress has on many occasions, of course, debated legislation related to gun ownership, which is the subject of the Ensign amendment, unrelated to the DC House Voting Rights Act. No doubt we will have the opportunity to debate the issue of gun ownership and gun rights in the future. Opponents have raised relevant concerns about the constitutionality and appropriateness of the legislation we are considering. That is what we should be debating, not gun legislation.

I fear, of course, in doing so, what we are doing on the Ensign amendment is we are going to cloud the prospects for this bill with controversial, unrelated amendments that take us from the focus here, which is that 600,000 Americans do not have voting representation in Congress.

Second, I believe Congress should not limit the District's ability to enact its own measures with regard to gun violence. Some Senators, Members of this body, may believe as a policy matter that the District's gun laws are not adequate, not correct, but the District's gun laws have no effect whatsoever on the varying gun ownership laws of the States. The fact is that none of our constituents—not one of our constituents—will be affected or is affected by the gun laws of the District of Columbia. We do not represent anybody who is a resident and voter in the District of Columbia.

The gun rights of residents of other States are guided and controlled and enabled pursuant to the laws and regulations enacted by the elected officials and executive officials in those States. Likewise, the elected officials of the District of Columbia have enacted laws regarding gun ownership that I believe this body should respect, just as I would want this body to respect the laws of my State with regard to guns or anything else. As I will explain in a moment, in fact, the District of Columbia has enacted new gun laws in response to the court case of DC v. Heller. Congress should not be singling out particular States and localities to repeal their laws on guns or anything else.

This is not a uniform nationwide standard that will be adopted if the Ensign amendment passes. This is a law with regard to guns for the District of Columbia. It is as if a law of my State of Connecticut was challenged in the Supreme Court, and it was invalidated, and actually my legislature then responded to the constitutional invalidation by adopting a law which they believed was consistent with the Supreme Court decision, but then we in Congress came along and said: No, Connecticut, that is not enough. We are going to tell you exactly what your law should be—not for the entire United States of America but for the State of Connecticut. I would be outraged. Any Member of this Chamber would be outraged if we did to one of our States what this amendment proposes to do to the District. It is just not fair, and it is not consistent with our basic principles of limited Federal Government and the rights of States and localities to legislate for themselves.

That is my second point. Congress should not limit the District's ability to enact laws of its own regarding guns or anything else.

The third point is this: This amendment is actually outdated. The Ensign amendment is the same as legislation that passed the House last September to remove restrictions on gun ownership in the District. But there is an important point that has been left out here.

Last month, January, the District's government enacted new gun laws that are their response to the holding of the Supreme Court in the DC v. Heller decision. The Heller decision struck down several provisions of the District's previous municipal code regarding guns. The decision particularly invalidated the District's handgun ban and trigger lock-storage requirement. But consistent with the newly enacted District of Columbia law adopted by the council, those provisions are no longer in the law. So the Ensign amendment, in fact, is outdated. In fact, if you look carefully at this amendment, it repeals and modifies provisions that used to be in the DC law but no longer are because the recent enactment of the DC City Council removed those provisions of the law.

So my third point is the Ensign amendment is outdated and does not relate to the reality that has been created by the District's City Council itself.

Fourth, let me talk about the District's new gun measures and their relationship to the Heller decision. The

Supreme Court made clear in its decision in Heller that the second amendment meant something. It is something this Senator has always felt. There is a constitutional right to bear arms. But that right, I have always felt, is no more unlimited than any other right in the Constitution, including the fundamental—I would almost say sacred—rights in the first amendment. Those are not unlimited either, as we know. So the Supreme Court decision said that the total bans in the DC law on gun ownership, possession of guns in the home, were unconstitutional and violative of the second amendment. But the decision also made clear that reasonable regulation of gun ownership was permissible.

This amendment essentially invalidates a whole series of what I believe the Supreme Court would find to be reasonable regulations of gun ownership and again does not acknowledge what the DC City Council has done.

The gun laws the District passed last month restore the right of gun ownership for self-defense in homes here in the District and amend the District's safe-storage requirements so that a firearm no longer needs to be kept bound by a trigger lock within the home. The District's new gun law permanently repealed DC's ban on semiautomatic firearms and permits residents to own semiautomatic pistols. If you look at the Ensign amendment, you would not believe that was true. In fact, in the Inoperable Pistol Amendment Act of 2008, the city of the District of Columbia provided a self-defense exception to allow residents with registered firearms to carry these weapons lawfully in their homes or places of business. Additionally, the Firearms Control Amendment Act of 2008 exempted from the registration requirement ''[a]ny person who temporarily possesses a firearm registered to another person while in the home of the registrant'' if that person believes they are in imminent danger. So these are the very real rights of gun owners that are now enshrined, adopted in the DC law that has been passed.

My fifth point is this, and I referred to it a moment ago: The Ensign amendment goes much further than the Supreme Court did in limiting the right of localities, States, and municipalities to regulate gun ownership while recognizing the second amendment constitutional right to bear arms. In fact, Justice Scalia wrote the majority opinion in the Heller case, and he specifically noted that a wide range of gun laws would be lawful and not violative of the second amendment—everything from laws ''forbidding the carrying of firearms in sensitive places'' to ''conditions and qualifications on the commercial sale of arms.''

The amendment offered by my colleague from Nevada would overturn provisions that the Heller decision did not address and did not strike down.

This amendment provides that the government of the District of Columbia ''shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.'' Potentially, this could prevent the District from passing legislation regarding background checks, which have been widely accepted by courts, or registration regulations that are needed to help law enforcement keep tabs of who is buying and owning guns in the District.

The Ensign amendment repeals DC's ban on sniper rifles that can pierce armor plating up to a mile away and its ban on military-style semiautomatic weapons and high-capacity ammunition magazines.

The amendment repeals DC's requirements—modeled on a California law which has been strongly supported by law enforcement agencies—that semiautomatic pistols manufactured after January 1, 2011, be microstamp-ready. Microstamping is a law enforcement tool that helps solve gun crimes by imprinting shell casings with a unique identifier so they can quickly be matched to the handguns that fire them.

The Ensign amendment also repeals the District's age limits for legal gun possession. Imagine how we would feel in my State of Connecticut or in the Presiding Officer's State of Illinois if Congress came along and told us how to write laws for our States.

This amendment repeals the District of Columbia's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. It repeals the District's prohibition on gun possession for those who have been adjudicated as chronic alcoholics and those who have failed a vision test. This would be—I do not even want to say it. It is shocking.

The amendment also weakens Federal law. Federal law prohibits gun dealers from selling handguns directly to out-of-State consumer buyers because of the high risk this creates for interstate gun trafficking. But this amendment would allow DC residents to cross State lines to buy handguns in neighboring States, undermining those Federal antitrafficking laws.

It is no surprise that the chief of police of the District of Columbia, Cathy Lanier, has testified that the legislation on which the Ensign amendment is based would undermine safety and security in the Nation's Capital.

So those are five reasons why I believe this amendment should not be adopted. But as the chairman of the committee that has reported out the underlying bill and as somebody who personally has worked for a lot of years to try to right this wrong on the residents of the District of Columbia, our Nation's Capital—the capital of the greatest democracy in the world—not having a voting representative in Congress, I just think this amendment, leaving aside its merits or demerits, adds something to this historic piece of legislation that just does not belong and may, along the way, complicate its path to passage.

So regardless of your position on gun control—and I state again, I have always believed the second amendment has meaning, that it makes constitutional the right to bear arms, but that it is not unlimited—this amendment comes close to a judgment that the second amendment really is unlimited. So that is why I, on its merits, think it goes too far.

But whatever you think of the merits, if you really believe in helping eliminate one of the last vestiges of voting rights blocks in our country—when you think about it, when the Constitution was adopted, people of color could not vote. Good God, people of color were only counted as three-fifths of people who were White. Woman could not vote. A lot of men could not vote if they were not property owners. And over the years, on this journey of ours, from the ideals in our Declaration of Independence, we have gone forward to eliminate one after another block to the reality that the Government was premised on that you would not have governing without the consent of the governed. Yet this bizarre anomaly remains in our Nation's Capital where people are deprived of the right to have a voting representative here.

So I appeal to my colleagues, whatever your position on gun ownership and gun violence, whatever your position on the amendment offered by the Senator from Nevada, please don't stand in the doorway, as Bob Dylan once sang, and block this underlying bill or cause it to become more controversial than it should be.

I thank my colleagues, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask the Chair to notify me when I have consumed 8 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. BENNETT. Mr. President, I have two items I wish to discuss, one that has already been raised on the floor by my friend, Senator DEMINT, with respect to his proposed amendment No. 573 to the underlying bill. As I understand it, Senator DEMINT will be offering an amendment dealing with the fairness rule. I was a cosponsor of this legislation in the last Congress and I am happy to support it in this Congress; that is, the position that says we should not allow the FCC to reinforce what has been called the fairness rule that was dropped some years ago. Who can be against fairness? Well, I am in favor of fairness, but I am opposed to censorship, under the mislabeling that we have here, the fairness doctrine is nothing more than censorship. The Federal Government would say to a radio or television broadcaster we have

determined that the broadcasting that you have been doing is not fair and so you are going to be ordered by the Government to present a different point of view on your show and we will determine whether it is fair or it is not. The fairness doctrine was imposed on the grounds that radio was such a pervasive medium that anything that was said on radio regarding politics should be balanced by someone who holds a different point of view. Right away, this raises the question of how many points of view?

We have seen Presidential elections where we had President Clinton, where we had Pat Buchanan, where we had Ralph Nader, and some minor candidates, and who determines which one is important enough to qualify for a fairness opportunity on radio? According to the so called Fairness Doctrine, the government determines. Who determines, therefore, what is one position that deserves putting down so that other positions can be raised in the name of fairness? The Federal Government. What do we get into when the Federal Government has the authority to make these kinds of decisions? Again, there is a word for it and it is called censorship.

One way to deal with an argument, to use the Latin phrase ''reductio ad absurdum,'' which means ''reduce it to an absurdity.'' Take it to its ultimate end. If we are going to take the Fairness Doctrine to it's ultimate end, then we are going to say to the late night comedians, when you make a joke about a Democrat, since you are on the airwaves, you must make a joke of equivalent nastiness about a Republican. When you put down the President, you must find an equivalent Republican figure to put down in the name of fairness. The consequence of all of that, of course, if it were enforced, would be that the late night comedians get shut down all together.

We have already had an opportunity for fairness, if you will, with respect to talk radio. When a group of people got together and financed a liberal talk show host—one who aspires to enter this body at some time—the public spoke. The station went out of business. Let the public decide what they are going to listen to and let the public decide how they are going to pick. There are so many outlets for different points of view that we do not need to go back to the Fairness Doctrine and impose Government censorship on the way people think and respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 581

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 581 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 581.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

Mr. COBURN. Mr. President, I know my colleague from New York wishes to speak and I will be very brief. I should not take more than 10 minutes.

We are in a debate about the District of Columbia and the fact that they are taxed and not represented with a vote in the Congress. It is a legitimate debate. I tend to look at the Constitution and, as a matter of fact, as I read the Constitution—and I am not a constitutional lawyer, but I will tell my colleagues that anybody who reads the Constitution can say this is an unconstitutional bill we have in front of us.

I also reject the idea that the District of Columbia does not have representation. All one has to do is look at the facts: $66,000 per resident of the District of Columbia, that is how much money the Federal Government spends per capita in the District of Columbia. That is $5.5 for every dollar they pay in taxes. So the 535 votes in the Congress have well represented them greater than any other group of citizens in the country. But there is a claim—a legitimate claim—that they don't have their own representative and that they are taxed.

This is a simple amendment. What it says is while we work this out, the way to be fair is to eliminate Federal income tax on citizens of the District of Columbia. They don't have a vote. Their tags even say taxation without representation is unfair; no taxation without representation. This solves that. They will have to change all of the auto tags. I don't know what that will cost. But the fact is we will take away Federal income taxes on money earned in the District of Columbia from every citizen of the District of Columbia.

Now, two things happen with that, especially since they have 535 representatives already. Think about what will happen to the District of Columbia in terms of income. Think about what will happen to the District of Columbia in terms of economic progress. Think about what will happen in terms of the value of the ownership of any asset in the District of Columbia. Think of the growth. Think of the modernization that will happen as we make this the center of progress based on the idea that because there is no representation, there should be no Federal taxation. It is a very simple, straightforward amendment. It solves the immediate problem. When we finally do a constitutional amendment with a joint resolution, which we are ultimately going to have to do, what we will have done is given the people of the District of Columbia the benefit of having a tax advantage because they don't have, under their thinking, representation in the Congress.

I am not trying to have a cute vote. If I had my way, I would try to eliminate almost every Federal income tax. As the Senator from New York knows, I try to do that quite often, and try to eliminate a lot of spending. The whole point being, there is a legitimate point to be made by the citizens of the District of Columbia in that they are treated differently than everybody else in this country. My argument is they actually have 535 representatives plus their Delegate, and it has shown to be very effective for them, because no place else in the country gets as much Federal money per capita as the District of Columbia. So if we want to treat the citizens of the District of Columbia fairly—by the way, this excludes all Members of Congress, so if my colleagues are thinking about voting for it for a selfish reason, please don't. If you are thinking about voting for this amendment on the basis of fairness, please consider it.

AMENDMENT NO. 575

I wish to take a few more minutes to comment on the Ensign amendment, if I might, and then I will finish. The Ensign amendment isn't about concealed carrying, it is about the right that is guaranteed under the second amendment to be applied to people in the District of Columbia.

James Madison wrote in Federalist No. 46:

> Besides the advantage of being armed, which the Americans possess over the people of almost every other nation . . . forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

If you look at the murder rate in the District of Columbia, what happened when the gun ban in 1975 was first instituted, we didn't see it rise that much because we allowed people to keep their guns. When the complete ban took place, we saw a fivefold rise that is still going up—except for the last 2 years—in the murder rate compared to the rest of the cities in this country. There is something to be said for the thinking that a perpetrator of a felony thinks he or she may possibly be harmed significantly. That tends to drive down violent crime—we know that—in the States that have concealed carry, and that, I believe, is 26 or 28 States. It may be even more than that now.

The fact is, this isn't about concealed carry; this is about guaranteeing the

rights of individual citizens in the District of Columbia to represent themselves with a right that every other citizen in this country has. Because Congress didn't act on that right, it took the Heller decision to give them that right. All this does is bring into line the District of Columbia with the rest of the States in the country. I will have taken the amount of time that I should in favor of Senator SCHUMER. I thank him very much for the consideration of allowing me to go first. I thank the chairman of the committee as well.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in opposition to a dangerous amendment that would go far beyond authorizing gun possession for self-defense in the home and create serious threats to public safety, and that is the Ensign amendment.

First, I support the Lieberman bill to bring representation to the District of Columbia, which seems to be in total keeping with what America is all about. I just say to my good friend from Oklahoma that representation, of course, involves dealing with taxation, but it involves many other things. To simply say the people of the District of Columbia don't have to pay any taxes but would be deprived of other rights in these Chambers, to me, is not what this bill is all about. It is a fine bill and a long overdue bill. It is a compromise, obviously. But it is one that moves us up the steps to gaining representation for the hundreds of thousands of the hard-working, taxpaying citizens of the District of Columbia.

Now, of course, we are getting into the sort of season of irrelevant or controversial amendments. The Ensign amendment is certainly the second of those. Let me say this: The Heller case basically said there is an individual right to bear arms. I have some degree of sympathy with those who are in the pro-gun movement who say: Hey, so many Americans look to expand the first amendment, the fourth amendment, and the fifth and sixth amendments broadly, and then see the second amendment through a narrow pinhole, saying that it is only involving militias.

If you believe in a broad and expansive Constitution, how is it that just one of them is perceived as narrow as possible? The Heller decision says it is not just militias that have a right to bear arms, or members of them, but individuals. But every Justice in that case, including Justice Scalia, made the opposite point. Just as those in the pro-gun movement have some justification in saying it is unfair to regard every amendment expansively except the second, those of us who believe more in gun control have the right to say that every amendment has a limitation.

I am a strong believer in the first amendment, but I don't vote against libel laws or pornography laws. I certainly agree with, I believe Oliver Wendell Holmes, who said: You cannot falsely scream fire in a crowded theater. So those are limitations on the first amendment. I say to my friends in the pro-gun movement, if every other amendment has limitations, such as the first, fourth, fifth, sixth—and many on that side of the aisle are for more strict limitations on those amendments than we might be—how is it that the second amendment should not have any limitation?

This proposal by Senator ENSIGN, my friend from Nevada, just shows the absurdity of that argument because there are things in this amendment that people would say defy common sense. It defies common sense to say someone who was voluntarily committed to a mental institution should be allowed to get a gun. It defies common sense to say someone who can't pass a sight test should have a right to a gun. It defies common sense to say a 10-year-old has a right to carry a shotgun. Yet in the defense of an overly expansive view of the second amendment, even conceding that it does apply to these individuals, my colleague from Nevada wishes to say those things. Again, how many people in America think if you fail a sight test, you should have a right to a gun? You might say some sight tests are faulty. Well, change the test. How many people would say someone who has been in a mental institution—voluntarily committed—should have the right to have a gun?

This is about Washington, DC, but didn't we learn on the campus of Virginia Tech about the destructive link when mentally ill people are allowed to acquire guns? Wasn't the country in an uproar about that? Yet here, just a few short years later, as parents of those slain students are still mourning, we are about to say in the District of Columbia, a neighboring jurisdiction, if you not just have a mental illness, but it has to be pretty significant if you have been in a mental institution, you should have a right to have a gun.

So all we are trying to do in opposing the Ensign amendment is invoke common sense. We are not getting into the discussion of whether the second amendment applies to individuals or just to those in militias. The Supreme Court has ruled on that. We are saying to our friends, just as they get up on the floor and advocate limitations on every other amendment, it is contradictory to say the second amendment should not have the most reasonable of limitations. There can't be a more reasonable restriction than the requirement that someone be required to see before they are allowed on the streets with a gun. It just doesn't make sense.

One other point: My colleagues on the other side of the aisle tend to advocate for States rights in the broad balance of things. The States should have the ability to make these decisions. It is clear the District of Columbia, with its high crime rate, is not Nevada, Wyoming, or Nebraska. It is clear that firearms cause far more damage in the District of Columbia than they do in many other States. Why shouldn't the citizens of the District of Columbia have the right to determine, within constitutional confines, how those firearms may be used and who may have them? If you are for a State being able to decide so many other policies, and you don't like the encroaching Federal Government, why is it different for guns? I guess that is at the nub of the Ensign amendment, Mr. President.

Somehow the sponsor of this amendment seems to believe that guns are different from everything else. The supporters of this amendment seem to believe that guns are different from everything else—limitations on every other amendment but not the second amendment. States rights is a good thing, but not when it comes to the States' or localities' view to regulate guns. Why is it different?

If you want to cite the Heller case in defense of the individual right to bear arms, the Heller case also says—Justice Scalia—that restrictions on firearms that are reasonable, like bans on mentally ill people having access to guns, are constitutional and could be, and should be, decided by the citizens of Washington, DC.

So this amendment, make no mistake about it, if passed, will lead to needless maiming and deaths. It is a serious amendment; it is not frivolous. It goes way beyond a political statement on an important bill. I hope my colleagues will rise to the occasion and reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent to offer that has been cleared on both sides. It is as follows:

I ask unanimous consent that at 5:45 p.m. today, the Senate proceed to vote in relation to the Coburn amendment No. 581, with the time until then equally divided and controlled between Senators COBURN and LIEBERMAN or their designees, and that no amendment be in order to the Coburn amendment prior to the vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak for a few minutes or until Senator COBURN arrives, whichever event occurs earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 581

Mr. LIEBERMAN. I thank the Chair.

I rise to speak against Coburn amendment No. 581. I suppose that in part I should say that this amendment, sponsored as it is by an opponent of the underlying bill, accepts one of the major contentions we are making about the inequity of the current situation, which is that the 600,000 residents of the District of Columbia, uniquely among all Americans, do not have voting representation in Congress. Nonetheless, they are taxed. I mean, this goes back to one of the early American Revolutionary slogans or principles, which is ''taxation without representation is tyranny.'' Our proposal, S. 160, the House Voting Rights Act, responds to that inequity by providing for voting representation in the House of Representatives for the District of Columbia. The Coburn amendment takes the opposite view and says that since the District does not have representation, well, by God, they should not be subject to taxation. So it would eliminate the Federal tax. This amendment would eliminate Federal taxes for DC residents. But that is not what DC residents are asking or we are offering on their behalf. I mean, the point of this is that residents of the District of Columbia do pay taxes. They pay higher per capita taxes to the Federal Government than any other entity but one. They are second highest, approximately $20 billion a year.

Second, they not only have been conscripted into our military services, but since the Volunteer Army, they have volunteered. Residents of this District have not only served, but they have sacrificed their lives in the cause of American security and freedom.

So the point is that there is something very, I hope, inspiring about this. The residents of the District of Columbia are not asking for any free ride. They want to be contributors to America in every way, including Federal taxation, but they also expect to be represented in the House of Representatives with a voting Representative. So on behalf of what I would describe as the patriotic citizens of the District of Columbia, I would say this amendment makes a point, but it is not a sound or fair one.

I polled the members of my staff who live in the District of Columbia to ask how they would advise me to vote. I am pleased to say that they put principle ahead of personal interests and have urged me to vote against this amendment.

I also say that if the amendment passed, we would have yet another enormous gap, and this gap we now have between Federal expenditures and revenues would grow even larger.

So perhaps Senator COBURN is making a point, but it is not one that I believe we ought to adopt in an amendment; therefore, I would urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to ask my colleague from Connecticut a question or two about this. First of all, I think it is correct that all of us would like to see a way, a proper way—and we disagree about what that way is—for the residents of the District of Columbia to have a full franchise in terms of congressional representation. Failing that, I think Senator COBURN was simply saying they should not have to pay taxes.

I was wondering myself about potentially a second-degree amendment that might give that option to other States or congressional districts on the theory that maybe this would be a two-fer for their constituents: they could vote to get rid of their Congressman and the income tax. I wonder if my colleague would have an idea about such an amendment.

Mr. LIEBERMAN. To my friend from Arizona, I do have some ideas about such an amendment, but I guess it would be best to not verbalize them on the floor.

Actually, we are at a time in our history, difficult as it is economically, where I think people are turning to the Federal Government and asking for not such a free ride but asking for help. There is a wonderful word; I do not know if it is in the dictionary; the word is ''deviltry.'' It is another way to say mischievous or mischief.

I think our friend from Oklahoma may be up to a little deviltry with this amendment.

Mr. KYL. I think the Senator from Connecticut is probably right about that. His point is to draw an important distinction, and that is that there are two elements to this, one being the taxation and the other the representation. The Senator from Connecticut rightly points to a very important episode in our history where the Founding Fathers tied those two together. There are other factors as well.

I urge support for the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 581 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 7, nays 91, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—7

Bunning	DeMint	Wicker
Burr	Graham	
Coburn	Kyl	

NAYS—91

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Hutchison	Risch
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Sanders
Brownback	Johanns	Schumer
Burris	Johnson	Sessions
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCain	Webb
Dorgan	McCaskill	Whitehouse
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—1

Kennedy

The amendment (No. 581) was rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, as chairman of the District of Columbia subcommittee, I rise today in support of S. 160, the District of Columbia Voting Rights Act of 2009. I vote to enfranchise thousands of District residents and to affirm my commitment to the fundamental right of all Americans to participate in our great democracy.

Despite our Nation's founding principle of ''no taxation without representation,'' District of Columbia residents lack full representation in Congress. They have sent sons and daughters to war in defense of our country, and they have paid Federal taxes in support of our Government. Despite this, the distinguished Delegate from the District of Columbia lacks a vote on the floor of the House of Representatives.

Fair voting representation is fundamental to our democracy. I understand the challenges facing the District's residents, and I sympathize with its trouble to attain voting representation

in Congress. I also understand that this will be an ongoing discussion. I am sensitive to the concerns raised by my colleagues on the constitutionality of our actions.

Legal scholars have testified before the Homeland Security and Governmental Affairs Committee and the Senate Judiciary Committee that Congress does have the constitutional authority to extend a vote to a District Representative in the House. I believe this legislation is constitutional, but ultimately it is the role of the courts to decide.

Our representative democracy is based on the principle that citizens of this country should have a say in the laws that govern this country. If citizens disagree with the laws, they have the power to vote for different representatives. By extending this core principle to the District of Columbia, I believe this bill would be a decisive step forward for the rights of DC residents.

AMENDMENT NO. 575

Now I wish to address the pending Ensign amendment.

Today, we are addressing voting rights. Now is not an appropriate time to cloud the debate with amendments on gun control. Last year, when this gun issue was brought up on the Senate floor before being considered by the committee, I joined 10 of my colleagues in a letter to the majority leader asking that the bill follow Senate procedures and be referred to committee before consideration on the floor.

As the chairman of the subcommittee charged with the oversight of the District of Columbia, I am familiar with the debate on DC's gun policies. Last year, the U.S. Supreme Court in the Heller decision struck down the District of Columbia's gun ban. Since then, the DC City Council has taken necessary steps to comply with the Supreme Court's decision, including the passage of legislation to address issues raised by the ruling. I do not believe any congressional action is needed to help DC comply with the Heller decision, but, more importantly, this is not the appropriate time to consider and vote on this issue.

I am not against gun ownership. I am for self-determination. I strongly encourage my colleagues to give the District of Columbia and its citizens the opportunity to vote on and establish their own rules regarding gun control. It would be ironic if we were to with one hand finally give the people of the District voting representation but on the other hand take away their right to self-determination by forcing them to adopt a gun control policy on which they were unable to vote. I, therefore, urge my colleagues to vote no on the Ensign amendment and all related amendments.

I am proud to lend my support for the underlying bill. I urge my colleagues to vote in support of voting rights for the residents of the District of Columbia and to reject any amendment that would abridge those rights or is not germane to the issue at hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent agreement to propound which has been cleared on both sides.

I ask unanimous consent that when the Senate resumes consideration of S. 160 on Thursday, February 26, the time until 10:30 a.m. be for debate with respect to the Kyl amendment No. 585, with the time equally divided and controlled between Senators KYL and LIEBERMAN or their designees, with no amendment in order to the amendment prior to the vote, and that at 10:30 a.m. the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 160, the District of Columbia House Voting Rights Act of 2009.

Harry Reid, Richard Durbin, Sheldon Whitehouse, Jeanne Shaheen, Patty Murray, Bernard Sanders, Roland W. Burris, Charles E. Schumer, Debbie Stabenow, Barbara A. Mikulski, Bill Nelson, John F. Kerry, Christopher J. Dodd, Frank R. Lautenberg, Jeff Bingaman, Amy Klobuchar, Robert Menendez, Barbara Boxer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to announce to everyone where we are in regard to this bill. We have been working through the amendments. Senator LIEBERMAN has done a terrific job. I understand there will be a few more that may be offered. We expect to have votes throughout Thursday on pending amendments, and those that are offered on Thursday we are going to try to dispose of those tomorrow.

I filed cloture today, but I hope it isn't necessary to have this cloture vote. However, if necessary, we will look forward to seeing if we can get a consent agreement to have the vote tomorrow; otherwise, we are going to wind up coming in Friday morning. I hope that is not necessary. This is a piece of legislation that has been talked about for a long time. We have had it on the Senate floor before. I think everyone has had the ability to offer whatever they believe is appropriate.

I really express my appreciation for the cooperation of all Members, both Democrats and Republicans, but especially Senator KYL, who did some very good work with Senator LIEBERMAN this afternoon.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION OF INQUIRY

Mr. LEAHY. When historians look back at the last 8 years, they are going to evaluate one of the most secretive administrations in the history of the United States. Now, the citizens of this country have said we should have change, and we should. But we also know that the past can be prologue unless we set things right.

In the last administration, there was a justification for torture. It presided over the abuse at Abu Ghraib, destroyed tapes of harsh interrogations, and conducted extraordinary renditions that sent people to countries that permit torture during interrogation.

They used the Justice Department, our premiere law enforcement agency, to subvert the intent of congressional statutes, even to subvert nonpartisan prosecutions, and instead to use them in partisan ways to try to affect the outcome of elections. They wrote secret law to give themselves legal cover for these misguided policies, policies that could not withstand scrutiny if brought to light.

Nothing has done more to damage America's standing and moral authority than the revelation that during the last 8 years we abandoned our historic commitment to human rights by repeatedly stretching the law and the bounds of Executive power to authorize torture and cruel treatment.

As President Obama said to Congress and the American people last night, ''if we're honest with ourselves, we'll

admit that for too long we have not always met'' our responsibilities.

Now, the President said that about the economy, but the same holds true here. It is only by understanding how we arrived at this moment that we can move forward. How can we restore our moral leadership and ensure transparent government if we ignore what has happened?

There has been discussion, and in some cases disagreement, on how best to do this. There are some who resist any effort to investigate the misdeeds of the recent past. Indeed, some have tried to extract a devil's bargain from Attorney General Holder, a commitment that he would not prosecute for anything that happened on President Bush's watch. That is a pledge no prosecutor should give, and, to his credit, Eric Holder did not.

There are others who say that regardless of the cost in time, resources, and unity, we have to prosecute these administration officials to lay down a marker. The courts are already considering congressional subpoenas that have been issued and claims of privilege and legal immunities, and they will for some time.

Over my objections, Congress has already passed laws granting immunity to those who facilitated warrantless wiretapping and conducted cruel interrogations. The Department of Justice issued legal opinions justifying these executive branch excesses which, while legally faulty, would undermine attempts to prosecute. A failed attempt to prosecute for this conduct might be the worst result of all if it is seen as justifying abhorrent actions. Given the steps Congress and the executive have already taken to shield this conduct from accountability, that is a possible outcome.

The alternative to these approaches is a middle ground, a middle ground I spoke of at Georgetown University a little over 2 weeks ago. That middle ground would involve the formation of a commission of inquiry dedicated to finding out what happened. Such a commission's objective would be to find the truth. People would be invited to come forward and share their knowledge and experiences, not for the purpose of constructing criminal indictments, but to assemble the facts, to know what happened and to make sure mistakes are not repeated.

I have seen what happened before in prosecutions. We don't find the full truth. We prosecute those at the bottom of the chair of command, but we don't find out what those above did.

While many are focused on whether crimes were committed, it is just as important to learn if significant mistakes were made, regardless of whether they can be proven beyond a reasonable doubt to a unanimous jury to be criminal conduct. We compound the serious mistakes already made if we limit our inquiry to criminal investigations and trials. Moreover, it is easier for prosecutors to net those far down the ladder than those at the top who set the tone and the policies. We do not yet know the full extent of our government's actions in these areas, and we must be sure that an independent review goes beyond the question of whether crimes were committed, to the equally important assessment of whether mistakes were made so we may endeavor not to repeat them. As I have said, we must read the page before we turn it.

Vice President Dick Cheney continues to assert unilaterally that the Bush administration's tactics, including torture, were appropriate and effective. But interested parties' characterizations and self-serving conclusions are not facts and are not the unadulterated truth. We cannot let those be the only voices heard, nor allow their declarations to serve as historical conclusions on such important questions. An independent commission can undertake this broader and fundamental task.

I am talking about this process with others in Congress, with outside groups and experts, and I have begun to discuss this with the White House as well. I am not interested in a commission of inquiry comprised of partisans, intent on advancing partisan conclusions. Rather, we need an independent inquiry that is beyond reproach and outside of partisan politics to pursue and find the truth. Such a commission would focus primarily on the subjects of national security and executive power in the government's counterterrorism effort. We have had successful oversight in some areas, but on these issues, including harsh interrogation tactics, extraordinary rendition and executive override of the laws, the last administration successfully kept many of us in the dark about what happened and why.

President Obama issued significant executive orders in his first days in office, looking to close Guantanamo and secret prisons, banning the use of harsh interrogation techniques and forming task forces to review our detainee and interrogation policies. I support his decisions, and I am greatly encouraged by his determination to do the hard work to determine how we can reform policies in these areas to be lawful, effective and consistent with American values. My proposal for a commission of inquiry would address the rest of the picture, which is to understand how these types of policies were formed and exercised in the last administration, to ensure that mistakes are not repeated. I am open to good ideas from all sides as to the best way to set up such a commission and to define its scope and goals.

A recent Gallup poll showed that 62 percent of Americans favor an investigation of these very issues. Respected groups including Human Rights First, the Constitution Project and thoughtful Senators, including Senator WHITEHOUSE and Senator FEINGOLD, have also embraced this idea. The determination to look beyond the veil that has so carefully concealed the decision making in these areas is growing. Next Wednesday, the Judiciary Committee will hold a hearing to explore these ideas and to continue the conversation about what we can do moving forward.

Two years ago I described the scandals at the Bush-Cheney-Gonzales Justice Department as the worst since Watergate. They were. We are still digging out from the debris they left behind while those in the last administration continue to defend their policies, knowing full well that we do not even know the full extent of what those polices were or how they were made. We cannot be afraid to understand what we have done if we are to remain a nation equally vigilant in defending both our national security and our Constitution. I hope all Members of Congress will give serious consideration to these difficult questions.

I argue it will be the quintessential American thing to do.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, during my brief tenure so far in the Senate, the Judiciary Committee has confronted many difficult issues, battles over judicial nominees, complex legislative matters, a historic investigation into misdeeds of the Bush administration's Department of Justice. In that process, the committee saw U.S. attorneys fired for political reasons, the Civil Rights Division run amok, declassified legal theories asserting that the President can secretly ignore his own executive orders. We saw unprecedented politicization of a noble department, and we saw those Office of Legal Counsel memos approving interrogation techniques long understood, long known to be torture. Fortunately, throughout that time, Chairman LEAHY sought answers. His efforts were evenhanded but unyielding. We know so much of what we know now because PATRICK LEAHY was satisfied with nothing less than the whole truth.

Today his work continues, and I wish to speak in support of his efforts. The backdrop is, of course, a grim one. Over and over, as I travel around my State of Rhode Island, I hear from people facing challenges that seem almost insurmountable, challenges President Obama spoke about in his address to Congress last evening. Every day it gets harder and harder to find a job, to pay the bills, to make ends meet. Every day it seems more difficult to see a way out. The Bush administration left our country deeply in debt, bleeding jobs overseas, our financial institutions rotten and weakened and an economy in free-fall. This is the wreckage we see everywhere, in shuttered plants, as my colleague from Pennsylvania sees at home so cruelly, in long lines, and in worried faces. But there is also the damage we cannot see so well, the damage below the water line of our democracy, damage caused by a systematic effort to twist policy to suit

political ends; to substitute ideology for science, fact, and law; and to misuse instruments of power.

If an administration rigged the intelligence process and, on faulty intelligence, sent our country to war, if an administration descended to interrogation techniques of the Inquisition, of Pol Pot and the Khmer Rouge, descended to techniques that we have prosecuted as crimes in military tribunals and in Federal courts, if institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency were subverted by their own leaders, if the integrity of our markets and the fiscal security of our budget were open wide to the frenzied greed of corporations and speculators and contractors, if taxpayers were cheated and the forces of Government rode to the rescue of the cheaters and punished the whistleblowers, if our Government turned the guns of official secrecy against our own people to mislead, confuse, and propagandize them, if the integrity of public officials, the warnings of science, the honesty of Government procedures and the careful historic balance of our separated powers all were seen as obstacles to be overcome and not attributes to be celebrated, if the purpose of Government became no longer to solve problems but simply to work them for political advantage, and a bodyguard of lies and jargon and propaganda was emitted to fool and beguile the American people, something very serious would have gone wrong in our country.

Such damage must be repaired. I submit that as we begin the task of rebuilding this Nation, we have a duty to our country to determine how great that damage is. Democracy is not a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

> One of the chief virtues of a democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

We have to learn the lessons from this past carnival of folly, greed, lies, and wrongdoing so the damage can, under democratic processes, be pointed out and corrected. If we bind ourselves to this history, we deny ourselves its lessons, lessons that came at too painful a cost to ignore.

Those lessons merit disclosure and discussion. Indeed, disclosure and discussion makes the difference between this history being a valuable lesson for the bright and upward forces of our democracy or a blueprint for those darker forces to return and someday do it all over again. As we work toward a brighter future ahead, to days when jobs return to our cities, capital to our businesses, and security to our lives, we cannot set aside our responsibility to take an accounting of where we are, what was done, and what must now be repaired. We also have to brace ourselves for the realistic possibility that as some of this conduct is exposed, we and the world will find it shameful, revolting. We may have to face the prospect of looking with horror at our own country's deeds.

We are optimists, we Americans. We are proud of our country. Contrition comes hard to us. But the path back from the dark side may lead us down some unfamiliar valleys of remorse and repugnance before we can return to the light. We may have to face our fellow Americans saying to us: No, please, tell us we did not do that, tell us Americans did not do that. And we will have to explain somehow.

This is no small feat and not easy. This will not be comfortable or proud, but somehow it must be done.

Chairman LEAHY has embarked on the process of considering a new commission, one appropriate to the task of investigating the damage the Bush administration did to America, to her finest traditions and institutions, to her reputation and integrity. The hearing he has called in coming days will more thoroughly examine this question to help us determine how best to move forward. I stand with him. Before we can repair the harm of the last 8 years, we must learn the truth.

REMEMBERING LARRY H. MILLER

Mr. BENNETT. Mr. President, I wish to speak of one of Utah's most outstanding citizens, Larry H. Miller, who passed away recently.

Larry Miller is a true American success story. He graduated from high school. He wasn't able to cut it in college and ended up working in a parts department in an auto dealership. Not a very auspicious beginning for someone who became a billionaire, but Larry Miller had two things that many people do not have. No. 1, he had in effect a photographic memory. I understand that if you went to Larry Miller while he was running this parts department and asked for an axle or for a head lamp or for any other auto part, he knew exactly where it was. Somehow he had that in his head and he made a tremendous success out of that. He ultimately began his career by buying an auto dealership and then built a string of 40 auto dealerships.

The other thing he had was an incredible work ethic. Larry Miller worked hard every day and demanded that kind of performance from those who worked with him.

He is best known in Utah for the fact that he was the minority owner of the Utah Jazz, the NBA's least successful team financially. The Jazz reached the point where they had to be sold because they couldn't survive anymore. They were losing money at every turn. The majority partner made a deal whereby the franchise would be sold to someone outside of the State. As minority partner, Larry Miller was required to sign the deal. He picked up the pen to sign the deal and then he couldn't bring himself to sign it, and he turned to the majority partner and said, Sam, I can't do it. So he bought the majority partner out, kept the Jazz in Utah, and then he presided over the revival of the Jazz. They won more games. They have been in the playoffs more than most people. They have been to the national finals twice and the only reason they haven't won an NBA national championship is because the Chicago Bulls had Michael Jordan at the time. Against any other team or any other star, the Jazz would have won the NBA championship. I remember the last failed game very well, and the shot Jordan put up that won the game that was fantastic, but that was Jordan's legacy.

Larry Miller is known for all of these things, but that is not how I wish to remember him before the Senate here today, because this man, who was a philanthropist and gave his money to community colleges to help people who were more like him in terms of their academic needs, became in his later years a history buff. He fell in love with the Founding Fathers. I remember talking to Larry Miller about John Adams, about Thomas Jefferson, and recommending a book to him. He had just read McCullough's book on John Adams and I said, Have you read Joseph Ellis's book, ''Founding Brothers''? He said, no. I said, I will send it to you. I got caught up in all of my difficulties and all of my distractions and realized I had failed to keep my word. So finally, with some embarrassment, I got hold of Larry and said, I apologize I have not sent you a copy of ''Founding Brothers.'' He said, that is all right, Senator. I went out and bought one on my own. He followed through where I didn't.

He fell in love with this country, not as an entrepreneur, although he did that way; not as someone who had been very successful and blessed by this country, although he did that way; but toward the end of his life he fell in love with this country as one who studied its history and understood its underpinnings. He was generous. He was inventive. He was tenacious. The people of Utah have been more than blessed by the fact that he chose Utah as his home. We miss him terribly and extend our deepest sympathies to his family.

SPECIAL COMMITTEE ON AGING

Mr. KOHL. Mr. President, I ask unanimous consent to have the rules of procedure for the Special Committee on Aging printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. Res. 4, §104, 95th Congress, 1st Session (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee

shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once a year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. Notice and Agenda:

(a) Written Notice. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present; or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. Testimony. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member, to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. Hearings. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 24, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee Rules of Procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) Subcommittee Rules.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) Quorums.

(A) Transaction of Routine Business.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) Taking Testimony.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) Proxies Prohibited in Establishment of Quorum.—Proxies shall not be considered for the establishment of a quorum.

(3) Subcommittee Subpoenas.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and

Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48–hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

CJS PROJECT DISCLOSURE

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, I rise today to clarify for the U.S. Senate the sponsorship of six congressionally designated projects included in the Joint Explanatory Statement to accompany H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. Specifically:

Senators MARK WARNER and WEBB should be listed as having requested funding for the Virginia Institute of Marine Science, Glouchester, VA, for the Virginia Trawl Survey funded through the National Oceanic and Atmospheric Administration;

Senator MURRAY should be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senator CANTWELL should not be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senators REID, ENSIGN, REED, SCHUMER, SESSIONS, SMITH, VOINOVICH, WHITEHOUSE, WYDEN, BENNETT, BIDEN, HATCH, KENNEDY, KERRY, LANDRIEU, LAUTENBERG and LEAHY should be listed as having requested funding for the National Council of Juvenile and Family Court Judges, Reno, Nevada, for the Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project, funded through the Department of Justice;

Senators KOHL, LEAHY, REED, CRAPO and WHITEHOUSE should be the only Senators listed as having requested funding for the National Crime Prevention Council, Arlington, Virginia, funded through the Department of Justice; and

Senator MURRAY should be listed as having requested funding for the Safe Streets Campaign, Tacoma, WA, for the Pierce County Regional Gang Prevention Initiative funded through the Department of Justice.

NATIONAL PEACE CORPS WEEK

Mrs. SHAHEEN. Mr. President, I rise today in celebration of National Peace Corps Week and in honor of the thousands of Americans who serve throughout the world as Peace Corps volunteers.

Since the Peace Corps' founding in 1961 by President John F. Kennedy, over 195,000 U.S. citizens have chosen to serve their country as Peace Corps volunteers. Today, nearly 8,000 Peace Corps volunteers serve abroad in 76 different countries.

In my own home State of New Hampshire, 54 volunteers have heard the call and are currently devoting their time, energy, and lives to fulfilling the vision of President Kennedy and serving their country abroad in the cause of peace. They are placed throughout the developing world—from Morocco, where one New Hampshire volunteer is educating community leaders on improving access to safe drinking water, to Macedonia, where another is teaching English to grade school children in a small rural village.

I would like to take a second and recognize each of these citizen ambassadors and the nearly 1,500 Peace Corps volunteers from New Hampshire that have served since 1961. In honor of their efforts, I will ask consent that the attached list of current New Hampshire volunteers be printed in the CONGRESSIONAL RECORD. New Hampshire is proud of your service, and we will continue to stand solidly behind you.

The Peace Corps was founded on the ideal that each of us has the responsibility to serve our country and leave our world in a better place than we found it. This dual commitment to U.S. interests and the global good is a testament to the fact that in today's interconnected world, American security and prosperity are inextricably linked to the security and prosperity of people residing in the far corners of our globe. Peace Corps volunteers understand better than anyone that we are truly all in this together.

Peace Corps volunteers work on the front lines in our battle for hearts and minds throughout the world. They serve as teachers, business professionals, health educators, management specialists, information technology advisors, mentors and friends to citizens across the globe. These unofficial ambassadors help develop trust and establish relationships that are critical to American influence and global stability. Upon the completion of their service abroad, these volunteers then return home to promote a better understanding here in America of the culture, language and viewpoint of those they have served.

These volunteers have all done their part to make the world a better place and, in turn, have contributed a great deal to U.S. national interests and global security. In our 21st century world, where the threats and challenges that confront America and the global community cannot be overcome by the might of our military alone, Peace Corps volunteers are laying the foundation for a more secure and prosperous world.

In honor of National Peace Corps Week and in celebration of the Peace Corps' 48th Anniversary on March 1, 2009, I would like to recognize those volunteers from New Hampshire, as well as all past and current Peace Corps volunteers, for their commitment to securing a better world for us and our children.

As a member of the Senate Foreign Relations Committee and the chair of the Foreign Relations Subcommittee on European Affairs, I will work with our allies and friends throughout the world in the development of an American foreign policy that matches the passion and commitment to service of our Peace Corps volunteers abroad.

Mr. President, I ask unanimous consent to have the list of current New Hampshire volunteers to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE

Volunteer name	Country of service	Start of service date	Projected COS date
Alden, Elizabeth E	Mali	21–Sep–2007	21–Sep–2009
Ballentine, Danny P	Turkmenistan	05–Dec–2008	05–Dec–2010
Ballentine, Heidi C	Turkmenistan	05–Dec–2008	05–Dec–2010
Bardo, Johanna E	Suriname	01–Aug–2008	17–Aug–2010
Bardo, Nicholas W	Guatemala	12–May–2006	25–Ju1–2009
Barnaby, Emily R	Benin	21–Sep–2007	20–Sep–2009
Baron, Lindsey M	Cambodia	04–Apr–2007	06–Mar–2009
Bootland, Diane C	Belize	29–Oct–2008	22–Oct–2010
Brooks, Evan D	Ukraine	19–Dec–2007	17–Dec–2009
Cahill, Michael P	Mali	12–Sep–2008	11–Sep–2010
Campbell, Adam S	Morocco	19–May–2008	28–May–2010
Chauvin, Nia G	Mozambique	07–Dec–2007	05–Dec–2009
Coes, Casey P	Morocco	19–May–2008	28–May–2010
Cooper, Elliot A	Ecuador	20–Apr–2007	20–Apr–2009
Crosby, Andrea J	Ecuador	20–Apr–2007	20–Apr–2009
Dallmann, Seth D	Vanuatu	21–Jun–2007	19–Jun–2009
Drapcho, Amanda C	Gambia	18–Apr–2008	17–Apr–2010
Estabrook, Kate P	Suriname	01–Aug–2008	17–Aug–2010
Evans, Nicole A	Lesotho	08–Jan–2009	23–Jan–2011
Geller, Amanda L	Guatemala	18–Jul–2008	17–Ju1–2010

SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE—Continued

Volunteer name	Country of service	Start of service date	Projected COS date
Guthro, Kaitlyn A	Kyrgyzstan	18–Sep–2008	17–Sep–2010
Handel, Ian D	Ecuador	29–Aug–2008	27–Aug–2010
Hannon, Mark F	Mali	12–Sep–2008	11–Sep–2010
Hannon, Samantha B	Mali	12–Sep–2008	11–Sep–2010
Haslam, Meghan J	Nicaragua	17–Nov–2006	16–Apr–2009
Heaney, Jason	Macedonia	14–Dec–2007	13–Dec–2009
Hendel, Sarah J	Turkmenistan	05–Dec–2008	05–Dec–2010
Hureau, Jonathan R	Mozambique	07–Dec–2007	05–Dec–2009
Joyce, Judith A	Eastern Caribbean	17–Oct–2008	15–Oct–2010
Keniston, Charlotte S	Guatemala	31–Oct–2008	30–Oct–2010
Langlois, Breanne K	Ethiopia	13–Dec–2007	13–Dec–2009
Lefrancois, Peter G	Mali	29–Sep–2006	30–Jun–2009
Luz, Robert A	Ghana	21–Aug–2007	20–Aug–2009
Mackie, Laura K	Ukraine	18–Jun–2008	17–Jun–2010
McGlone, Michael R	Fiji	24–Jul–2008	30–Jul–2010
Mclaughlin, Matt	Senegal	17–Nov–2006	14–Dec–2009
Melvin, Adam T	Jordan	04–Sep–2008	09–Sep–2010
Mitchell, Cara M	Nicaragua	20–Jul–2007	17–Jul–2009
Moulton, James D	Mongolia	18–Aug–2007	19–Aug–2009
Moulton, Julie B	Mongolia	18–Aug–2007	19–Aug–2009
Murray, Sarah M	Cambodia	04–Apr–2007	27–Mar–2009
O'Hara, Emily B	Romania	05–May–2008	18–May–2010
Oscadal, Maureen E	Zambia	30–Mar–2006	30–Apr–2009
Pridgen, Victoria P	Niger	25–Sep–2007	25–Sep–2009
Raymond, Anne G	Cameroon	24–Aug–2007	26–Jun–2009
Sandri, John B	Moldova	22–Nov–2007	20–Nov–2009
Sawicki, Erin M	Botswana	21–Jun–2007	20–Jun–2009
Sehovich, Jessica N	Ukraine	18–Jun–2008	17–Jun–2010
Simonson, Duncan A	Panama	22–Oct–2008	21–Oct–2010
Stout, Judith	South Africa	03–Apr–2008	27–Mar–2010
Sullivan, Steven W	Senegal	07–Nov–2008	09–Nov–2010
Vinson, Laura M	Ecuador	29–Aug–2008	27–Aug–2010
Whitmore, Martha E	Peru	29–Nov–2007	29–Nov–2009
Whittaker, Brendan J	Senegal	12–May–2007	11–May–2009

HUMAN RIGHTS IN KENYA

Mr. LEAHY. Mr. President, during the past year, I and other Senators have urged the Government of Kenya to effectively address reports of egregious misconduct by its police and military forces, including torture and summary executions. The Mount Elgon killings, culminating in the slaughter of some 200 people by the police and army soldiers in 2008, were particularly appalling, yet the government has yet to conduct a credible, transparent, thorough investigation.

We now have the report of the United Nations Special Rapporteur, which confirms, again, the conclusions of multiple human rights organizations. I would hope that the Government of Kenya recognizes that it is in its interest, and that it has a responsibility, to promptly implement the Special Rapporteur's recommendations.

Kenya is an ally and friend of the United States. In fact, we are training some of Kenya's security forces. It is imperative that these violations be addressed urgently and decisively, and that the individuals involved in these atrocities, including those who gave the orders, are brought to justice.

I ask unanimous consent that a press release on the Special Rapporteur's report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From the Press Center—U.N. Headquarters

NAIROBI, February 25, 2009.—Today, the UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston, concluded his 16–25 February 2009 fact-finding mission to Kenya.

The UN independent expert stated that, ''Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity.'' He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki.

He called on the President of Kenya to acknowledge the widespread problem of extrajudicial executions in Kenya and to commit to systemic reform. ''Effective leadership on this issue can only come from the very top, and sweeping reforms to the policing sector should begin with the immediate dismissal of the Police Commissioner,'' concluded the independent expert. ''Further, given his role in encouraging the impunity that exists in Kenya, the Attorney-General should resign so that the integrity of the office can be restored.''

In addition, the Special Rapporteur found compelling evidence that in Mt Elgon, the police and military committed organised torture and extrajudicial executions against civilians during their 2008 operation to flush out the Sabaot Land Defence Force militia. ''For two years, the SLDF militia terrorized the population and the Government did far too little. And when the Government did finally act, they responded with their own form of terror and brutality, killing over 200 people.'' He said that since the security forces had not investigated the allegations in any convincing manner ''the Government should immediately act to set up an independent commission for Mount Elgon, modeled on the Waki Commission''.

With respect to the accountability for the post-election violence, the Special Rapporteur stated that the setting up of the Special Tribunal for Kenya was ''absolutely indispensible to ensure that Kenya does not again descend into chaos during the 2012 elections.'' He called on civil society and the international community to take a firm line on its establishment. ''At the same time, this is an ideal case for the ICC to urgently take up'', he added, stressing that the two approaches were not mutually exclusive and a two-track approach should be adopted.

The Special Rapporteur also recommended that an independent civilian police oversight body be established, that records of police killings be centralized, that an independent Department of Public Prosecutions be created, across-the-board vetting of the police be undertaken, the setting up of an independent witness protection program, that the Government issue substantive responses to KNCHR reports, and compensation for the victims of those unlawfully killed.

In the course of his ten-day visit, the Special Rapporteur visited Nairobi, Central, Rift Valley, Western and Nyanza Provinces. He conducted in-depth private interviews with more than one hundred victims and witnesses. Mr. Alston met with senior Government officials, including the Prime Minister, the Minister of Justice, the Assistant Minister of Defence, the Chief of Police and the Chief of Staff of the Armed Forces, as well as officials at the provincial and district levels. He also met with the Kenya National Commission on Human Rights, the independent national human rights institution, as well as with civil society organizations.

The full text of the Special Rapporteur's statement is available at www.extrajudicialexecutions.org.

TRIBUTE TO LEON FLEISHER

Mr. LEAHY. Mr. Presdient, this week, one of the indomitable artists of our age will take the stage of the Kennedy Center Concert Hall, as the great pianist Leon Fleisher teams up with the London Philharmonic Orchestra. His range, commanding technique and total sense of the music's natural shape and scope will surely captivate the audience. This is a fitting occasion to take note of a great artist, teacher and humanitarian who, through his playing, has touched the souls of so many.

In the early years of his career, Leon Fleisher astounded audiences with a golden sound. His career then seemed tragically cut short when he began suffering from a rare neurological condition that rendered his right hand unable to play. Instead of withdrawing from the musical world, Leon Fleisher remained in close contact with music through conducting, teaching and playing scores specially written for pianists who lost use of their right hands. He persisted in the effort to play the full concert repertoire, and some novel medical treatments eventually helped him regain full use of both hands.

It is a classic American journey, tracing a path out of despair to triumph. In Leon Fleisher's sense of determination, dedication, vision and skill, there is much for all of us to both admire and emulate. My wife Marcelle and I were delighted to sit next to him at a reception that honored his lifetime of achievement. We thoroughly enjoyed

getting to know this stately and cordial artist, a man of great intelligence, modesty and warmth.

Leon Fleisher has been playing across the country with full use of his hands for several years now. We are fortunate to be able to hear again how he plumbs the depths of every musical score, revealing something about ourselves through his music making. I know the Senate joins me in congratulating and recognizing Leon Fleisher's incredible contributions to the vibrant cultural fabric of our country.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I are semi retired but the figure of $200 way off the mark even for us. We do work part of the year but are not doing so at this time. We live rural and have to travel for groceries, building supplies. When we work all of this involves a minimum of 40 miles each way, not including the around town mileage. We have 20 acres, with a small tractor to keep weeds under control which the county urges all of us to do. We also have a large lawn to mow. Our fuel bill for the month of May was $400. The tractor has a tank of 10 gallons, and that alone costs $40 per tank. We are trying to save a bit by purchasing dyed fuel but, by the time you travel to that, you have eaten up your savings. The point is we have very little choice on our fuel issues. We do not go to town on a whim and really never have as long as we have been here (since 1973). The price of food is skyrocketing also in the rural areas. We have a small grocery store in a small town by us, but they have fuel issues, too. We would like to see nuclear power sources and wind generators multiply. Our daughter does websites and she has a customer that has a wind power source for sale for each single home. However, at this point, it is somewhat expensive, approximately $5,500. Although in the past, nuclear power has had a few hiccups so even we were not in favor of it. I subscribe to Popular Science Magazine and it is my understanding they are very close or have reached the ability to neutralize the waste. However, I have not heard any news about it from the media or official science reports.

Fixed income as well as families and singles cannot get pay raises that equals the cost of living in reality. We dealt with this our last years at work. Companies have their stockholders that have to be kept and for the last eight years of our jobs we steadily lost money from cost of living that the government adjusted to be 3% or less when in the blue collar world did not equate to that. Fuel along doubled and what cost us $30 per week for work fuel jumped within 3 months to $60 per week and kept traveling upward since. Property taxes, auto and home insurance also have risen but employers went with the government figures. I would get 25 cent per hour raise. It brought home approximately $4 and change per week. It did not cover any of our rising expenses. Anything under $1.00 does not even show anything much on a take home check. So there needs to be some way for an employer with all their overheads to realize this and perhaps hire CEOs, CFOs and other company officials that make a decent wage without the super perks they have received for the last 25 years. Corporate waste is rampant and should be addressed somehow in the near future so the frontline employees can afford today's fuel prices and not be stressed daily by how to make ends meet. Sorry I got off the edge here but it is all one big picture which is why the energy costs are a frontline problem with this. We still have many elderly people who do not have enough to live as is. With this energy impact, I do not know how they can make it. So please keep up your vigil. We need to open up the fields in Alaska and not be selling it to other countries at this point. [When] my husband and I work, which involves truck driving, we see what is happening along the routes we travel. The distress in the citizens and the oil wells being developed and the ones that are not running.

DARLENE, *Spirit Lake.*

Thank you for the opportunity to communicate in this fashion my family's challenges with the high cost of energy and our thoughts. I travel a great deal all over America and, as part of my job, I work closely with many convenience store operators around our great country. We own a Dodge Durango 4-wheel drive SUV. It is great because it provides the safety my family needs during the winter and the space we need for all the stuff we need to transport when you have two young children. As you no doubt remember with your own family, a nine-month-old baby [needs] a lot of baggage when he travels—car seats, strollers, etc. The daughter wants her bike when visiting the grandparents, her books, and spare clothes, etc. The bad thing is it only gets 13 miles to the gallon on average and, like most families, we did not buy it with cash but financed it which means we owe more on it than we can sell it for. In fact, in this market, many car dealers will not even take an SUV in on trade. So we have no choice but to bear the burden of high gas prices for the foreseeable future. We cannot just throw the car away and run out and buy a new fuel-efficient SUV which is selling at a premium that, frankly, even in today's market, does not even pencil out as a good investment by my calculations. Of course, this is not the only part of the story of how high energy costs have impacted our family but the part those like Thomas Freidman never take into consideration when promoting even higher costs through taxation, cap and trade, and government manipulation of the market.

What should Congress do?

Do not do as Congresswoman Maxine Waters suggested in Committee and take over the oil companies. The markets are working just fine, but what they reflect is all the inaction and obstacles that have burdened the supply and demand elasticity of the commodities markets be it oil or corn, etc.

Again, taxing is not a solution. We should be working to lower taxes for everyone. Not redistributing it. Not to manipulate markets. Fuel taxes should be what they need to be to maintain our infrastructure. We should be encouraging efficiencies in the market place with our tax code and policies.

The fact is we need to make it easier to drill now. We need to make it easier to refine more fuel now. We need to add capacity to distribute that fuel to the marketplace now. We need to expand our reserves so we have a cushion when natural disasters occur. We need to do something about all the boutique fuels that cause unnatural shortages every spring and fall (winter blend, summer blend, smog blend, this blend, that blend impact refinery efficiency). We need to do something about credit card interchange fees. We need to do everything we can to encourage efficiency.

And, of course, we need to encourage conservation, public transportation where possible, more not less airports and routes, and alternative even renewable sources of energy.

Well, that is my 415 cents. Thank you.

ROBERT, *Twin Falls.*

I find it odd as the greatest country in the world we are lagging in becoming energy self-sufficient. France, for instance, runs and has, for many years, ran its country off nuclear power. How is it that we cannot do this? If our country was powered off of nuclear power, consider the substantial reduction in oil consumption for the east coast. They are paying to heat their houses with heating oil, more expensive than our natural gas. Drilling for more oil will help but we need a bigger and better solution. Corn is not the answer, either. As the government pushes alternative fuels (ethanol), the price of food rises. Also we do not get the power out of ethanol that we get out of traditional fuel so MPG on our cars drop. So we need more ethanol. It is a very ridiculous cycle. Nuclear, wind, hydrogen, oil—all these options need to be brought to the table now. Waiting until after the election will not work. We all know as soon as that election is over the focus will be on mid-term elections and pandering to voters. Let us get it done now. Does our government really care about our future, our children? Let us act on this now before these same promises are being made to our children's children.

UNSIGNED.

It is time that we get off our cans and get aggressive in drilling for oil on our own soil. I am tired of our country being held hostage to foreign interests and values when it comes to our own energy needs. High fuel costs have had a significant negative effect on my business and my ability to grow my business. Please do all you can to get us out of this crisis.

CRAIG, *Eagle.*

It is time to reign in the market speculation in oil and it is products. There is no shortage of gasoline or oil. There are no lines at gas stations! It is gouging, plain and simple. Stop protecting the oil companies! Windfall profits tax on all oil-related products of at least 50%. Apply the windfall tax funds to alternative energy research that have no connection to the oil industry. Make it a modern day Apollo project. Repeal oil industry tax breaks. Apply a 100% tax rate on any salary over 10 million per year.

The economy is collapsing while [the Administration does nothing]. We own a small

business; we want support for the middle class. The rich need no help; let them earn a living for a change.

MIKE, *Moscow.*

I am glad to see someone taking a stand that actually has a chance to be heard. I am glad that we are going to try and get some relief to the gas prices, but I think we should also be looking into the contributing factors that are causing such a demand for fuel.

I live in Meridian and must commute to Boise every day for my job. I confronted my employer (a local utility company) regarding other options to having to commute to Boise every day when the air quaility was getting so bad like 4-day work week, telecommuting, etc. and was told it was not an option. My son is 5 years old and has asthma. Every time the air quality gets bad, so does his health. Recently, with the gigantic increase in fuel prices and the demand of fuel, I confronted my employer again about other options that could not only help with the air quality, but help contribute to decreasing the demand of fuel; again, I was again turned down. To me it seems that not only should we be going after congress to help relieve the outrageous cost of fuel, but we also need someone to tell employers to do what they can to start helping with the problem instead of contributing to it. Thank you for what you are doing and I hope a resolution is on the horizon.

NICHOLE, *Meridian.*

I received your email asking us to share our stories about high energy costs so here goes. We live 5 miles from the nearest grocery store and town. This means that every time we get in the car, the round trip is a minimum of 10 miles. If my husband and I both go into town a couple of times a day, and only go to the nearest town, we drive a minimum of 40 miles a day and that is without running errands. going to another town or anything like that. When all is said and done, it is much more like 60 miles a day. We also live in snow country and must have 4-wheel drives so get about 15 mpg which means at $4 per gallon, we spend about $16 just to get to town and back which is almost $500 per month. It is insane.

What is more insane is the idea that we can explore and produce our way out of this mess. The US consumes about 26% of the world's oil but only has about 2% of the world's oil reserves. We would have to increase our reserves and production 12 fold to cover today's demand and that is never going to happen. The price of oil shot up when it became clear we were going to invade Iraq—financial markets hate uncertainty and invading another country is a big uncertainty. As the war has dragged on and as our President has talked about taking action against Iran, oil prices have soared higher. The best thing our nation could do to lower the price of oil would be to get out of a country we had no business invading in the first place and start spending more, much much more, on the plentiful wind, solar and geothermal we have been blessed with.

Americans want this, the people of Idaho want this, I only hope Senator Crapo is listening. I ask him to do the only sane thing and think outside the oil box.

LESLIE.

I live with a husband who makes his money his. When I had a job, I had an income and contributed to the groceries. It has already been hard for me because I had been on medical leave for over a year from a job I had for over six years that paid a little over $11 an hour. During this time on medical leave, I could not draw any income because of some ''catch 22'' about if my doctor released me to go back to work with limitations, and my job did not allow me to come back to work, I did not apply for short-term disability or assistance is what I was told. After my leave was exhausted and my employer said they did not have a job for my physical limitations, I was let go, and had to pay more money for COBRA. Last fall I had enrolled in BSU with student loans that barely cover school fees, books, and travel expenses as it is, from Mountain Home to Boise and the Air Base. I was doing very well for the first semester, but money was very tight then. I ended up using my savings, my tax refund, and my retirement from the company that let me go, just to pay the bills. I found out that I have a rheumatoid arthritis, osteo arthritis, spondylitis, depression, I take lots of medications and I have had back surgery, neck surgery and I am in pain most of the time. I am still waiting for my disability hearing because it takes so long to get it scheduled and I am down to maxed out credit cards and $150 dollars in the bank. My husband wants me to leave him because my medical bills are too expensive. I have two classes this second twelve weeks at the Air Base in Mountain Home that will end on June 30th. I do not know if I will continue with my BSU degree because I cannot afford to drive to Boise anymore. And if I do not get an income I may end up on the street. I cannot pay back my credit cards that I used to pay for living expenses and medical bills and prescriptions. They are maxed out. I am going to have to sell my things to get by.

To the Congressmen and Senators of this great country: Why are we so hesitant to get on the ball and do something about this crisis that filters down to more than gas? We cannot afford to live on what we have got and now we have to pay more?

While I am frustrated with my present circumstances, I know God will take care of me. What I am really worried about is this country and our leaders taking us down the path of destruction. Our country needs leaders who will demonstrate true authority, not bickering about what party did what or who is better for our country. We need to put parties aside, put aside differences, fall on our knees and ask God Almighty to forgive this county its many sins and his forgiveness and guidance.

[Please do your best to] to solve this crisis. I think we should drill for oil, build refineries, make alternatives available to the poor working public, use cooking oil instead of gasoline, use sugar cane like they do in South America, use wind power in windy places like Mountain Home, use geothermal resources, solar power, anything that is greener and healthier. [But please do it now and do not leave the rest of us for fend for ourselves in this terrible economy!] We are tired of the blame game. Someone do something and stop filibustering and stalling progress. [Such efforts stop our country from solving the problems we face.]

I know I went off on this a little long, but again, I am totally frustrated with inactivity and red tape. Thank you for all you do, but please remember the people who you work for whether they voted you in or not.

CRYSTAL, *Mountain Home.*

Something needs to be done. Prices keep going up everywhere. Not only is it affecting how much I spend in gas, but my grocery bill is outrageous now; Also, Idaho Power has just raised their rates. I have three children, which includes a baby in diapers. It is getting to the point where we can barely afford anything. It is really scary for us. We never have had much money, and one of the things I use to do with the kids was to go on ''drives'' just to get out of the house. We would go to Chevron and get drinks, then drive to different areas in Boise that we had not seen before and listen to music. Now, we cannot even do that. Prices will keep going up because they can, and people like us are going to really ''pay'' for it in the long run. It makes me sick. It is not like we are not trying to make it in life. I am a student at Boise State and I will be a Respiratory Therapist. We are not people looking for handouts. We are a family not only trying to get by, but we want to live, too We want to enjoy life also. It upsets me when even the little things that we were able to do are now a luxury. Something has got to be done. The reality is that there is really people who cannot afford the rise in prices (for gas and everything else). There has got to be some sort of stopping point. The saying,'' The rich will get richer and the poor will get poorer'' sounds more like the truth to me every day. Hopefully, you can represent the families and the people who are being affected by this.

S.

ADDITIONAL STATEMENTS

CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

● Mr. BOND. Mr. President, today I recognize the Central Missouri Eagles Youth Hockey Association for their outstanding public service to the community. Also, the Eagles have been presented with the ''Honoring the Game Award,'' presented annually by the Positive Coaching Alliance at Stanford University in 2006.

The ''Honoring the Game Award'' recognizes three youth sports programs that ''strive to win, but also strive to help their players develop skills that will serve them throughout their lifetimes.'' The Eagles were the only Midwestern sports program and the only youth hockey program in the Nation to be honored.

The Eagles received the ''Honoring the Game Award'' in recognition for their service to the community. Each year Eagles teams commit to a local service project. These projects make a meaningful difference in mid-Missouri, and they teach the Eagles players valuable citizenship lessons about volunteering.

The Hockey's program's credo ''Building Good Athletes and Great Citizens'' rings true and is the foundation for this program's athletes who not only show good sportsmanship but are active every year in community service. The best way for our young people to ensure a stronger America is to be active in their communities.

The Central Missouri Eagles Youth Hockey Associations' achievements represent a great deal of dedication. I trust that they will continue the high standards of principle and perseverance that brought them this honor. I hope the Eagles continue to comprise success both on and off the rink. Again, I extend my congratulations to this exceptional association and the young people within it.●

REMEMBERING GREG HERNANDEZ

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, SGT Greg Hernandez of the Tulare County Sheriff's Department. Sergeant Hernandez's life was tragically cut short on February 6, 2009, as a result of injuries from a vehicle accident that occurred while he was on duty.

Sergeant Hernandez dutifully served the citizens and communities for 24 years as a valued member of the Tulare County Sheriff's Department. Sergeant Hernandez demonstrated a passion for law enforcement and commitment to helping others, qualities that earned him the respect of his colleagues at the Tulare County Sheriff's Department. Sergeant Hernandez shall always be remembered for his devotion to serving the public and his friendly nature.

Sergeant Hernandez is survived by his mother Rosa Hernandez of Farmersville and his daughter Kristina Marie Hernandez of Porterville. When he was not spending time with his family and friends, Sergeant Hernandez was a devoted sportsman who enjoyed fishing, softball, and golf.

Sergeant Hernandez served the county of Tulare with honor and distinction, and fulfilled his oath as an officer of the law. His selfless contributions and dedication to law enforcement are greatly appreciated and will serve as an example of his legacy.

We shall always be grateful for Sergeant Hernandez's service and the sacrifices he made while serving and protecting the people of Tulare County.●

TRIBUTE TO SUSAN AXELROD

● Mr. KOHL. Mr. President, I wish to acknowledge and honor the work of Citizens United for Research in Epilepsy, CURE, and its founder, Susan Axelrod. I have known Susan personally for many years and can attest to her tireless work on behalf of her daughter, Lauren, and of other children and families affected by epilepsy. Epilepsy often begins in childhood and even in its mildest forms can modify brain development, with lifelong effects on cognition ranging from learning disabilities to severe developmental disabilities. In 1998, a small group of families whose children were suffering from epilepsy joined in recognizing the need for an increased commitment to research. Together, they formed the nonprofit, volunteer-based CURE. Led by Susan, they have become tireless advocates for epilepsy awareness and have grown into one of the foremost organizations in funding cutting-edge epilepsy research. To date, CURE has raised over $9 million in its crusade toward eliminating seizures, reducing the side effects of currently available treatments, and ultimately toward finding a cure for epilepsy. I commend CURE for its unrelenting commitment to this worthy cause but underscore the fact that they cannot work alone. Epilepsy affects over 3 million patients nationwide, and the need for adequate funding for research on a Federal level is imperative if a cure is to be found. At a time when the Nation is confronted with serious health challenges like epilepsy, we must not diminish our commitment to medical research.

Please join me in honoring Susan Axelrod and CURE for their years of vision, leadership, and commitment.

I would ask to have the following Parade Magazine article highlighting the work of Citizens United for Research in Epilepsy printed in the RECORD. The material follows:

[From Parade Magazine, Feb. 15, 2009]

I MUST SAVE MY CHILD

(By Melissa Fay Greene)

When Susan Axelrod tells the story of her daughter, she begins like most parents of children with epilepsy: The baby was adorable, healthy, perfect. Lauren arrived in June 1981, a treasured first-born. Susan Landau had married David Axelrod in 1979, and they lived in Chicago, where Susan pursued an MBA at the University of Chicago and David worked as a political reporter for the Chicago Tribune. (He later would become chief strategist for Barack Obama's Presidential campaign and now is a senior White House adviser.) They were busy and happy. Susan attended classes while her mother babysat. Then, when Lauren was 7 months old, their lives changed overnight.

''She had a cold,'' Susan tells me as we huddle in the warmth of a coffee shop in Washington, D.C., on a day of sleet and rain. Susan is 55, fine-boned, lovely, and fit. She has light-blue eyes, a runner's tan, and a casual fall of silver and ash-blond hair. When her voice trembles or tears threaten, she lifts her chin and pushes on. ''The baby was so congested, it was impossible for her to sleep. Our pediatrician said to give her one-quarter of an adult dose of a cold medication, and it knocked her out immediately. I didn't hear from Lauren the rest of the night. In the morning, I found her gray and limp in her crib. I thought she was dead.

''In shock, I picked her up, and she went into a seizure—arms extended, eyes rolling back in her head. I realized she'd most likely been having seizures all night long. I phoned my mother and cried, 'This is normal, right? Babies do this?' She said, 'No, they don't.'''

The Axelrods raced Lauren to the hospital. They stayed for a month, entering a parallel universe of sleeplessness and despair under fluorescent lights. No medicine relieved the baby. She interacted with her parents one moment, bright-eyed and friendly, only to be grabbed away from them the next, shaken by inner storms, starting and stiffening, hands clenched and eyes rolling. Unable to stop Lauren's seizures, doctors sent the family home.

The Axelrods didn't know anything about epilepsy. They didn't know that seizures were the body's manifestation of abnormal electrical activity in the brain or that the excessive neuronal activity could cause brain damage. They didn't know that two-thirds of those diagnosed with epilepsy had seizures defined as ''idiopathic,'' of unexplained origin, as would be the case with Lauren. They didn't know that a person could, on rare occasions, die from a seizure. They didn't know that, for about half of sufferers, no drugs could halt the seizures or that, if they did, the side effects were often brutal. This mysterious disorder attacked 50 million people worldwide yet attracted little public attention or research funding. No one spoke to the Axelrods of the remotest chance of a cure.

At home, life shakily returned to a new normal, interrupted by Lauren's convulsions and hospitalizations. Exhausted, Susan fought on toward her MBA; David became a political consultant. Money was tight and medical bills stacked up, but the Axelrods had hope. Wouldn't the doctors find the right drugs or procedures? ''We thought maybe it was a passing thing,'' David says. ''We didn't realize that this would define her whole life, that she would have thousands of these afterward, that they would eat away at her brain.''

''I had a class one night, I was late, there was an important test,'' Susan recalls. ''I'd been sitting by Lauren at the hospital. When she fell asleep, I left to run to class. I got as far as the double doors into the parking lot when it hit me: 'What are you doing?' '' She returned to her baby's bedside. From then on, though she would continue to build her family (the Axelrods also have two sons) and support her husband's career, Susan's chief role in life would be to keep Lauren alive and functioning.

The little girl was at risk of falling, of drowning in the bathtub, of dying of a seizure. Despite dozens of drug trials, special diets, and experimental therapies, Lauren suffered as many as 25 seizures a day. In between each, she would cry, ''Mommy, make it stop!''

While some of Lauren's cognitive skills were nearly on target, she lagged in abstract thinking and interpersonal skills. Her childhood was nearly friendless. The drugs Lauren took made her by turns hyperactive, listless, irritable, dazed, even physically aggressive. ''We hardly knew who she was,'' Susan says. When she acted out in public, the family felt the judgment of onlookers. ''Sometimes,'' Susan says, ''I wished I could put a sign on her back that said: 'Epilepsy. Heavily Medicated.' ''

At 17, Lauren underwent what her mother describes as ''a horrific surgical procedure.'' Holes were drilled in her skull, electrodes implanted, and seizures provoked in an attempt to isolate their location in the brain. It was a failure. ''We brought home a 17-year-old girl who had been shaved and scalped, drilled, put on steroids, and given two black eyes,'' Susan says quietly. ''We put her through hell without result. I wept for 24 hours.''

The failure of surgery proved another turning point for Susan. ''Finally, I thought, 'Well, I can cry forever, or I can try to make a change.' ''

Susan began to meet other parents living through similar hells. They agreed that no federal agency or private foundation was acting with the sense of urgency they felt, leaving 3 million American families to suffer in near-silence. In 1998, Susan and a few other mothers founded a nonprofit organization to increase public awareness of the realities of epilepsy and to raise money for research. They named it after the one thing no one offered them: CURE—Citizens United for Research in Epilepsy.

''Epilepsy is not benign and far too often is not treatable,'' Susan says. ''We wanted the public to be aware of the death and destruction. We wanted the brightest minds to engage with the search for a cure.''

Then-First Lady Hillary Clinton signed on to help; so did other politicians and celebrities. Later, veterans back from Iraq with seizures caused by traumatic brain injuries demanded answers, too. In its first decade, CURE raised $9 million, funded about 75 research projects, and inspired a change in the scientific dialogue about epilepsy.

''CURE evolved from a small group of concerned parents into a major force in our research and clinical communities,'' says Dr.

Frances E. Jensen, a professor of neurology at Harvard Medical School. ''It becomes more and more evident that it won't be just the doctors, researchers, and scientists pushing the field forward. There's an active role for parents and patients. They tell us when the drugs aren't working.''

The future holds promise for unlocking the mysteries of what some experts now call Epilepsy Spectrum Disorder. ''Basic neuroscience, electrophysiological studies, gene studies, and new brain-imaging technologies are generating a huge body of knowledge,'' Dr. Jensen says.

Lauren Axelrod, now 27, is cute and petite, with short black hair and her mother's pale eyes. She speaks slowly, with evident impairment but a strong Chicago accent. ''Things would be better for me if I wouldn't have seizures,'' she says. ''They make me have problems with reading and math. They make me hard with everything.''

By 2000, the savagery and relentlessness of Lauren's seizures seemed unstoppable. ''I thought we were about to lose her,'' Susan says. ''Her doctor said, 'I don't know what else we can do.' '' Then, through CURE, Susan learned of a new anti-convulsant drug called Keppra and obtained a sample. ''The first day we started Lauren on the medication,'' Susan says, ''her seizures subsided. It's been almost nine years, and she hasn't had a seizure since. This drug won't work for everyone, but it has been a magic bullet for Lauren. She is blooming.''

Susan and David see their daughter regaining some lost ground: social intuition, emotional responses, humor. ''It's like little areas of her brain are waking up,'' Susan says. ''She never has a harsh word for anyone, though she did think the Presidential campaign went on a little too long. The Thanksgiving before last, she asked David, 'When is this running-for-President thing going to be finished?' ''

CURE is run by parents. Susan has worked for more than a decade without pay, pushing back at the monster robbing Lauren of a normal life. ''Nothing can match the anguish of the mom of a chronically ill child,'' David says, ''but Susan turned that anguish into action. She's devoted her life to saving other kids and families from the pain Lauren and our family have known. What she's done is amazing.''

''Complete freedom from seizures—without side effects—is what we want,'' Susan says. ''It's too late for us, so we committed ourselves to the hope that we can protect future generations from having their lives defined and devastated by this disorder.''●

HONORING GROVER GUNDRILLING INC.

● Ms. SNOWE. Mr. President, this week marks the Consortium of Entrepreneurship Education's 3rd Annual National Entrepreneurship Week, a time to celebrate the history of American entrepreneurship and to highlight new and upcoming entrepreneurs and small business owners. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am all the more aware of the countless contributions entrepreneurs have made to the success of this Nation. In that vein, I rise today to recognize Grover Gundrilling Inc., a small business in my home State of Maine that brings a very unique and critical skill to the Northeast.

A second generation family-owned small business, Grover Gundrilling, or GGI, specializes in precision deephole drilling. With nearly 60 skilled employees, GGI has developed the capability to drill smooth, finished holes ranging from .045 of an inch to 2 inches in diameter, from 1 ounce to 6,000 pounds, at a depth of 1 inch to 10 feet in every material from Teflon to mold steels to exotic high-temperature alloys. Founded in 1983 by Rupert and Suzanne Grover, Grover Gundrilling now has three facilities in Oxford County, including a 40,000-square-foot manufacturing facility in the town of Norway. And as former teachers, the Grovers like to hire employees with no background as machinists, but with strong math and science skills, to train them in their own particular fashion.

Given its remarkable growth, considerable capacity, and small company size, GGI prides itself on being ''small enough to listen and large enough to handle production.'' Grover Gundrilling has become a critical supplier for industries as diverse as aerospace engineering and nuclear power, and its components are used in products as varied as medical devices and semiconductors.

To care for its staff, Grover Gundrilling generously provides its employees with full family medical coverage, flexible scheduling, and the company encourages its workers to pursue higher learning by offering educational reimbursement. And the company offers a multitude of incentives to stellar employees, including family snowmobiling trips and tickets to a variety of area events.

GGI is also dedicated to supporting its community in a variety of ways. The Grovers donate significant time and energy to the Oxford County Fair, a fun-filled annual tradition for the families of Oxford County and western Maine. They also created the Boxberry School, a nonprofit independent elementary school for K through sixth graders that combines multiage classes, individual attention, and an integrated art curriculum with the Maine Learning Results standards. The Grovers also volunteer in various capacities with the 4–H Club, Androscoggin Home Health, the Oxford Food Pantry, and Aspire Higher, and Suzanne Grover serves on the board of directors of the Growth Council.

Carving out a niche in the machine tool world, Grover Gundrilling has excelled as a leader in precision deephole drilling. It is entrepreneurs like Suzanne and Rupert Grover who are going to revitalize our economy, and I am proud to call them constituents. I wish Rupert and Suzanne Grover, as well as Garth, their son, and GGI's president, their daughter Jessica, and everyone at Grover Gundrilling Inc. a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 80. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

The message also announced that the House has passed the bill (S. 234) to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building'', without amendment.

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–802. A communication from the Director of Program Development and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amending the Water and Waste Program Regulations'' (RIN0572–AC11) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–803. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods'' ((Docket No. AMS–FV–06–0184) (FV03–925–1 IFR)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–804. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to certificated expenditures; to the Committee on Appropriations.

EC–805. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program for military personnel; to the Committee on Armed Services.

EC–806. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department to civilian sporting events during calendar year 2008; to the Committee on Armed Services.

EC–807. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–808. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–809. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Unfair or Deceptive Acts or Practices'' (RIN3133–AD47) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–810. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Solid Waste Rail Transfer Facilities'' (STB Ex Parte No. 684) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–811. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XM85) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–812. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XM81) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–813. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XM87) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–814. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XM88) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–815. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area'' (RIN0648–XM83) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–816. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program'' (RIN0648–XM69) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–817. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Santa Ana, California'' (MB Docket No. 08–250) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, and 402B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0118)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Airbus Model A340–200, –300, –500, and –600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0122)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Altus AFB, OK'' ((Docket No. FAA–2009–0001)(Airspace Docket No. 09–ASW–2)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 55, 55B, and 55C Airplanes'' ((RIN2120-AA64)(Docket No. FAA-2009-0054)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2006-25730)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation AE 3007A1E and AE 1107C Turbofan/Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2008-0230)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney PW4090 and PW4090-3 Turbofan Engines'' ((RIN2120-AA64)(Docket No. FAA-2007-29110)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego ''PZL-Rzeszow'' S.A. PZL-10W Turboshaft Engines'' ((RIN2120-AA64)(Docket No. FAA-2008-1068)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Update of August 2001 Overflight Fees'' (14 CFR Part 187) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Rockport, TX'' ((Docket No. FAA-2008-0988)(Airspace Docket No. 08-ASW-20)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Galena, AK'' ((Docket No. FAA-2008-0957)(Airspace Docket No. 08-AAL-27)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Branson, MO'' ((Docket No. FAA-2008-1102)(Airspace Docket No. 08-AGL-8)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Colored Federal Airways; Alaska'' ((Docket No. FAA-2008-0661)(Airspace Docket No. 08-AAL-19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tulsa, OK'' ((Docket No. FAA–2008–1231)(Airspace Docket No. 08–ASW–25)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Corpus Christi, TX'' ((Docket No. FAA–2008–0987)(Airspace Docket No. 08–ASW–19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Atlantic, IA'' ((Docket No. FAA–2008–1105)(Airspace Docket No. 08–AGL–10)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nomination of Capt. Brian P. Monahan, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Michael A. Brown, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Brian D. Akins and ending with Jeffrey J. Wiegand, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

Navy nominations beginning with Christopher M. Andrews and ending with Ezekiel J. Wetzel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. SPECTER, Mr. LEVIN, and Mr. INOUYE):

S. 468. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. SHELBY, and Mrs. HUTCHISON):

S. 472. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mr. BOND):

S. 476. A bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 477. A bill to amend the Act entitled ''An Act authorizing associations of producers of aquatic products'' to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. BURR, Mr. CORNYN, Mr. ENZI, Mr. INHOFE, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. COBURN, Mr. CORKER, Mr. MCCONNELL, Mr. BUNNING, Mr. THUNE, Mr. MCCAIN, Mr. BARRASSO, Mr. BROWNBACK, Mr. KYL, and Mr. SHELBY):

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; read the first time.

By Mr. CARDIN (for himself, Mr. WEBB, Mr. WARNER, Ms. MIKULSKI, Mr. CARPER, Mr. KAUFMAN, and Mr. CASEY):

S. 479. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 480. A bill to establish the Office of Regional Economic Adjustment in the Department of Commerce, to assist regions affected by sudden and severe economic dislocation by coordinating Federal, State, and local resources for economic adjustment and by providing technical assistance, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. Res. 55. A resolution designating each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; to the Committee on the Judiciary.

By Mr. LUGAR:

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Con. Res. 8. A concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 146

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 182

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 277

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 322

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 356

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 356, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 414

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 53

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 53, a resolution authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify

the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I am pleased to be joined by Senator KOHL in introducing legislation to assist many of our Nation's public servants who choose to work part-time for a portion of their Federal career. The legislation is timely given the increasing number of Federal employees eligible to retire and the need for agencies to retain an experienced workforce to carry out critical government functions.

Our legislation would change the computation of Civil Service Retirement System, CSRS, annuities involving part-time service by correcting an anomaly that is a disincentive for employees nearing the end of their careers who would like to phase into retirement by working part-time. Under current law, if an employee under the CSRS system with substantial full-time service before 1986 switches to a part-time schedule at the end of his or her career, the high-three average salary that is applied to service before 1986 is the pro-rated salary or, if higher, the full-time salary from the years before the employee began working part-time. This often results in a disproportionate reduction in the employee's benefit.

The legislation would clarify that CSRS annuities based in whole or in part on part-time service should be pro-rated for the period of service that was performed on a part-time basis. The correction will help agencies, as part of their succession planning efforts, in retaining the expertise of staff that elect to work on a part-time basis at the end of their Federal careers. It is my hope agencies will include this tool in their human capital plans to help facilitate the transfer of knowledge to the next generation of government leaders.

I urge my colleagues to support this legislation.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to speak about legislation that I am introducing today, the Combating Organized Retail Crime Act of 2009. This legislation takes important steps to confront the growing problem of organized criminal activity involving stolen and resold retail goods. This organized retail crime costs retailers billions of dollars per year and creates significant health and safety risks for consumers. My legislation will toughen criminal laws and put in place effective regulatory and information-sharing measures to help retailers, secondary marketplaces, and law enforcement agencies work together to stop this crime. I am pleased that my colleague Senator KLOBUCHAR is joining me in introducing this important legislation, and I look forward to working with her and all my colleagues to see it passed into law.

I recently became Chairman of the Senate Crime and Drugs Subcommittee and I hope to hold a hearing in the Subcommittee on the problem of organized retail crime and the Combating Organized Retail Crime Act. I also want to acknowledge that Congressman BOBBY SCOTT, the Chairman of the House Crime Subcommittee, and Congressman BRAD ELLSWORTH are each introducing bills to crack down on organized retail crime. I look forward to working with them and all of my colleagues to enact legislation that will address this growing problem in a comprehensive and effective manner.

Organized retail crime rings currently operate across the Nation and internationally. Their criminal activity begins with the coordinated theft of large amounts of items from retail stores with the intent to resell those items. The foot soldiers in these organized retail crime rings are professional shoplifters, called ''boosters,'' who steal from retail stores such items as over-the-counter drugs, baby formula, medical diagnostic tests, health and beauty aids, clothing, razor blades, and electronic devices. These boosters often use sophisticated means for evading retailer anti-theft safeguards, and occasionally dishonest retail employees are complicit in the theft. Each booster routinely steals thousands of dollars worth of items from multiple stores, and delivers the items to a ''fence,'' or a person who buys stolen products from boosters for a fee that is frequently paid in cash or drugs.

Today, organized retail crime rings often enlist numerous fences to deliver stolen retail goods to processing and storage warehouses operated by the rings. At these warehouse locations, teams of workers sort the stolen items, disable anti-theft tracking devices, and remove labels that identify the items with a particular retailer. In some instances, they alter items' expiration dates, replace labels with those of more expensive products, or dilute products and repackage the modified contents in seemingly-authentic packaging. Often, the conditions in which these stolen goods are transported, handled and stored are substandard, leading to the deterioration or contamination of the goods.

Organized retail crime rings typically resell their stolen merchandise in physical marketplaces, such as flea markets and swap-meets, or on Internet auction sites. Internet sites are particularly tempting avenues for these sales, since the Internet reaches a worldwide market and allows sellers to operate anonymously and maximize return.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that this crime costs retailers approximately $30 billion per year and deprives states of hundreds of millions of dollars in lost sales tax revenues. The proceeds of organized retail crime can be used to finance other forms of criminal behavior, including gang activity, drug trafficking and international terrorism. Further, organized retail crime often involves the resale of consumable goods like baby formula or medical diagnostic tests like diabetic strips, which can cause significant harm to consumers when stored improperly or sold past their expiration date.

Although the problem of organized retail crime predates the economic crisis facing our nation, the current recession has lent more urgency to the need to curb organized retail crime. In recent months theft and shoplifting from retailers has increased and retailers' revenues have decreased, thus enlarging the bite that organized retail crime has taken out of retailers' balance sheets. A December 2008 survey by the Retail Industry Leaders Association found that 80 percent of the retailers surveyed reported experiencing an increase in organized retail crime since the start of the current economic downturn. In a 2008 survey of loss prevention executives performed by the National Retail Federation, 85 percent of the 114 retailers surveyed indicated that their company had been a victim of organized retail crime in the past 12 months. Many law enforcement officials predict that organized retail crime will continue to increase during these troubled economic times.

After I introduced legislation on this subject last Congress, I listened to the views of stakeholders from law enforcement, the retail community, and the Internet marketplace community, and have made several revisions to my legislation in response to their suggestions. The legislation I am introducing today, the Combating Organized Retail Crime Act of 2009, would do the following:

First, it would toughen the criminal code's treatment of organized retail crime. It would refine certain offenses, such as the crimes of interstate transport and sale of stolen goods, to capture conduct that is being committed by individuals engaged in organized retail crime. It would also require the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would establish a reporting system through which evidence of organized retail crime can be effectively shared between the victimized retailers, the marketplaces where items are being resold, and the Justice Department. The bill would create a form that retailers could use to describe suspected illegal sales activity involving goods that were stolen from that retailer. The retailer would sign and submit this form to both the Justice Department and to the operator of a physical or online marketplace where

the stolen goods are suspected of being offered for resale. Upon receiving the form, the marketplace operator would be required to conduct an account review of the suspected sellers and provide the results of that account review to the Justice Department. This reporting system would ensure that the Justice Department receives information from both retailers and marketplaces in order to piece together organized retail crime investigations and prosecutions.

Third, the bill would require that when a marketplace operator is presented with clear and convincing evidence that a seller on that marketplace is selling stolen goods, the operator must terminate that seller's activities unless the seller can produce exculpatory evidence. The bill would also require that when a marketplace operator is presented with evidence of criminal activity involving a seller who offers consumable goods or medical diagnostic tests on that marketplace, the operator must immediately suspend the ability of that seller to sell such goods because of the potentially imminent danger to public safety.

Additionally, the bill would require high-volume sellers on Internet marketplace sites to provide a physical address to the marketplace operator. This address would be shared with the Justice Department and with retailers who attest and provide evidence that the high-volume seller is suspected of reselling goods stolen from that retailer. This address-sharing regime will permit appropriate inquiries to determine whether high-volume Internet sellers are legitimate operations, and is similar to address-sharing regimes that permit inquiries into possible copyright violations by online sellers.

In sum, the Combating Organized Retail Crime Act of 2009 is targeted legislation that aims to deter organized retail crime and facilitate the identification and prosecution of those who participate in it. The bill heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail chains as Walgreens, Home Depot, Target, Wal-Mart, Safeway, and Macy's.

Organized retail crime is a growing problem nationwide. There is a pressing need to address it, particularly in light of the weakening economy and the risks such crime creates for unknowing consumers. I urge my colleagues to support this legislation so we can effectively combat this crime.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 470

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combating Organized Retail Crime Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, medical diagnostic tests, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) TRANSPORTATION OF STOLEN GOODS.—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after ''more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(b) SALE OR RECEIPT OF STOLEN GOODS.—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after ''$5,000 or more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(c) FRAUD IN CONNECTION WITH ACCESS DEVICES.—Section 1029(e)(1) of title 18, United States Code, is amended by inserting ''Universal Product Code label or similar product code label, gift card, stock keeping unit number, radio-frequency identification tag, electronic article surveillance tag,'' after ''code,''.

(d) REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.—

(1) REVIEW AND AMENDMENT.—

(A) IN GENERAL.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing the illegally obtained items in the stream of commerce.

(B) OFFENSES.—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; and

(ii) any other relevant provision of the United States Code.

(2) REQUIREMENTS.—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where the conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''§ 2324. Physical and online retail marketplaces

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) HIGH VOLUME SELLER.—The term 'high volume seller' means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

''(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $12,000 or more in gross revenues; or

''(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of $5,000 or more in gross revenues.

''(2) INTERNET SITE.—The term 'Internet site' means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol

(or any successor protocol), or that is identified by a uniform resource locator.

''(3) ONLINE RETAIL MARKETPLACE.—The term 'online retail marketplace' means an Internet site where users other than the operator of the Internet site can enter into transactions with each other for the sale or distribution of goods or services, and in which—

''(A) the goods or services are promoted through inclusion in search results displayed within the Internet site;

''(B) the operator of the Internet site—

''(i) has the contractual right to supervise the activities of users with respect to the goods or services; or

''(ii) has a financial interest in the sale of the goods or services; and

''(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into not fewer than 1,000 discrete transactions for the sale of goods or services.

''(4) OPERATOR OF AN ONLINE RETAIL MARKETPLACE.—The term 'operator of an online retail marketplace' means a person or entity that—

''(A) operates or controls an online retail marketplace; and

''(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

''(5) OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.—The term 'operator of a physical retail marketplace' means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to the goods.

''(6) PHYSICAL RETAIL MARKETPLACE.—The term 'physical retail marketplace'—

''(A) may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment;

''(B) means a venue or event—

''(i) in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to the goods; and

''(ii) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

''(C) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

''(7) STRUCTURING.—The term 'structuring' means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

''(8) TEMPORARY PLACE OF BUSINESS.—The term 'temporary place of business' means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

''(9) TRANSIENT VENDOR.—The term 'transient vendor' means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of the property.

''(10) USER.—The term 'user' means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

''(11) VALID PHYSICAL POSTAL ADDRESS.—The term 'valid physical postal address' means—

''(A) a current street address, including the city, State, and zip code;

''(B) a Post Office box that has been registered with the United States Postal Service; or

''(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

''(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY OBTAINED ITEMS.—

''(1) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—

''(A) REGULATIONS.—The Attorney General shall promulgate regulations—

''(i) establishing a form, called a 'suspected illegal sales activity form', through which an authorized person may present evidence showing that a transient vendor of a physical retail marketplace, a user of an online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using a physical retail marketplace or an online retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means from the authorized person, or has engaged in or is engaging in structuring;

''(ii) requiring that an authorized person who submits a suspected illegal sales activity form shall, in a manner to be specified by the Attorney General—

''(I) refer in the form to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, structuring, or other illegal activity;

''(II) refer in the form to 1 or more alleged violations of Federal law;

''(III) provide along with the form documentary evidence supporting the allegations of illegal activity, which may include—

''(aa) video recordings;

''(bb) audio recordings;

''(cc) sworn affidavits;

''(dd) financial, accounting, business, or sales records;

''(ee) records or transcripts of phone conversations;

''(ff) documents that have been filed in a Federal or State court proceeding; and

''(gg) signed reports to or from a law enforcement agency; and

''(IV) sign the form;

''(iii) providing that an authorized person who completes a suspected illegal sales activity form may submit the form and accompanying documentary evidence to the operator of a physical retail marketplace or the operator of an online retail marketplace, and that if the authorized person submits the form to the operator, the authorized person shall submit the form and documentary evidence to the Attorney General; and

''(iv) ensuring that a suspected illegal sales activity form and accompanying documentary evidence are able to be submitted by an authorized person to the operator of a physical retail marketplace or online retail marketplace and to the Attorney General by mail and by electronic means.

''(B) AUTHORIZED PERSONS.—

''(i) IN GENERAL.—For purposes of this section, an authorized person is a person who—

''(I) offers goods or services for sale to the public as part of a business operation;

''(II) has submitted to the Attorney General in writing, on a form that shall be promulgated by the Attorney General and made available on the Internet, a request to serve as an authorized person; and

''(III) has been approved by the Attorney General to serve as an authorized person.

''(ii) APPROVAL.—The Attorney General shall approve a request by a person to serve as an authorized person if the person offers goods or services for sale to the public as part of a business operation. An approval under this clause shall remain in effect unless the authorized person requests that the Attorney General terminate the approval.

''(iii) FEES.—The Attorney General may charge a processing fee to a person solely to cover the cost of processing the approval of the person as an authorized person.

''(iv) AGENTS.—An individual who serves as an officer, employee, or agent for a person who offers goods or services for sale to the public as part of a business operation may serve as an authorized person on behalf of that person.

''(v) LIST.—The Attorney General shall maintain a list of authorized persons, which shall be made available to the public upon request.

''(C) AVAILABILITY OF FORMS.—The Attorney General shall make suspected illegal sales activity forms available on the Internet to authorized persons.

''(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS; CONSUMABLE GOODS.—If an operator of a physical or online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

''(A)(i) not later than 30 days after receiving the form—

''(I) conduct a review of the account of the transient vendor or user for evidence of illegal activity; and

''(II) file a suspicious activity report with the Attorney General of the United States; and

''(ii) not later than 24 hours after filing the report described in clause (i)(II), notify the authorized person who submitted the suspected illegal sales activity form that the operator filed the report; and

''(B) with regard to any items referred to in the suspected illegal sales activity form that are consumable or that are medical diagnostic tests, immediately suspend the ability of any transient vendor or user who is referred to in the form as selling or distributing the items to conduct transactions involving the items, and notify the Attorney

General of such action in the suspicious activity report.

''(3) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

''(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person, the operator shall determine, based on the form, the documentary evidence, and the account review conducted by the operator, whether there is clear and convincing evidence that the transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring. The operator shall describe the determination of the operator under this subparagraph in the suspicious activity report.

''(B) ACTIONS.—If the operator of a physical retail marketplace or an online retail marketplace determines that there is clear and convincing evidence of an activity described in subparagraph (A), the operator shall, not later than 5 days after submitting the suspicious activity report to the Attorney General pursuant to paragraph (2), either—

''(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

''(II)(aa) if the transient vendor or user fails to present the information within 30 days of the request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(bb) if the transient vendor or user presents the information within 30 days, then the operator shall report the information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

''(C) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, direct the operator in writing and for good cause to delay such action.

''(4) RETENTION OF RECORDS.—

''(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

''(i) a record of all suspected illegal sales activity forms and accompanying documentary evidence presented to it pursuant to this subsection for 3 years from the date the operator received the form and evidence;

''(ii) a record of the results of all account reviews conducted pursuant to this subsection, and any supporting documentation, for 3 years from the date of the review; and

''(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

''(B) ONLINE RETAIL MARKETPLACE.—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

''(5) CONFIDENTIALITY OF REPORTS.—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of the operator, may notify any individual or entity that is the subject of a suspicious activity report or of an account review under paragraph (2) of the fact that the operator filed the report or performed the account review, or of any information contained in the report or account review.

''(6) HIGH VOLUME SELLERS.—

''(A) VALID POSTAL ADDRESS.—An operator of an online retail marketplace shall require each high volume seller to provide the operator with a valid physical postal address.

''(B) FAILURE TO PROVIDE.—

''(i) IN GENERAL.—If a high volume seller has failed to provide a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall, not later than 5 days after the failure to provide the address, notify the user of its duty to provide a valid physical postal address.

''(ii) CONTINUED FAILURE.—If a high volume seller has failed to provide a valid physical postal address 15 days after the date on which the operator of an online retail marketplace provides notice under clause (i), the operator shall—

''(I) terminate the ability of the user to conduct transactions on marketplace; and

''(II) not later than 15 days after that date, file a suspicious activity report with the Attorney General of the United States.

''(C) POSTAL ADDRESS.—If an authorized person submits to the operator of a physical retail marketplace or online retail marketplace a suspected illegal sales activity form that alleges illegal activity on the part of a specific transient vendor or user that is a high volume seller, the operator shall, not later than 15 days after receiving the form, provide the valid physical postal address of the high volume seller to the authorized person.

''(7) CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.—The Attorney General shall promulgate regulations establishing a suspicious activity report form. Such regulations shall require that a suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (2) or (6) shall contain, in a form to be determined by the Attorney General, the following information:

''(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

''(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

''(C) A copy of the suspected illegal sales activity form and documentary evidence that led to the filing of a report pursuant to paragraph (2).

''(D) A detailed description of the results of an account review conducted pursuant to paragraph (2).

''(E) A statement of the determination the operator made pursuant to paragraph (3)(A).

''(F) If the suspicious activity report is filed pursuant to paragraph (6), a summary of the events that led the operator to terminate the ability of the user to conduct transactions on marketplace.

''(G) The signature of the operator.

''(H) Such other information as the Attorney General may by regulation prescribe.

''(c) VOLUNTARY REPORTS.—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that the operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

''(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

''(e) ENFORCEMENT BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with, the requirements specified in paragraph (2), (3), (4), (5), or (6) of subsection (b) or subsection (d) shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

''(2) FALSE STATEMENTS.—

''(A) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—Any person who knowingly and willfully makes any material false or fictitious statement or representation on a suspected illegal sales activity form or accompanying documentary evidence may, upon conviction thereof, be subject to liability under section 1001.

''(B) SUSPICIOUS ACTIVITY REPORT.—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

''(f) ENFORCEMENT BY STATES.—

''(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further violation of this section by the defendant;

''(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

''(C) to impose civil penalties in the amounts specified in subsection (e).

''(2) WRITTEN NOTICE.—

''(A) IN GENERAL.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

''(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right—

''(i) to intervene in such action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(3) STATE POWERS PRESERVED.—For purposes of bringing any civil action under this

subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) PENDING FEDERAL ACTION.—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in the complaint.

''(5) JURISDICTION.—

''(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

''(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(g) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2323 the following:

''Sec. 2324. Physical and online retail marketplaces.''.

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise to introduce the High School Sports Information Collection Act. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 37-year-old landmark civil rights law is all about—equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the playing field. For girls who engage in sports, half are less likely to suffer depression and breast cancer, 80 percent are less likely to have a drug problem, and 92 percent are less likely to have an unwanted pregnancy. Athletic competition helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it's not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up!

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls—fewer than 300,000—played sports. Today, the number is more than 2.9 million, that's an increase of over 900 percent! Moreover, our country is celebrating the achievements of our women athletes now more than ever. Just a few weeks ago, tennis player Serena Williams became the all-time prize-money leader in women's sports by reaching both the doubles and singles finals in the Australian Open—not to mention that she won both titles! I am particularly pleased that Ms. Williams expressed appreciation for Title IX, proving how impactful this policy has been in giving her, and many other women, the opportunity to play sports.

So while we celebrate this remarkable progress, we cannot allow ourselves a ''time-out'' or rest on past success. That is why I am pleased to work with Senator PATTY MURRAY—who has been a tireless advocate for women's sports—to reintroduce the High School Sports Data Collection Act of 2007. Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms. These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's website and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies. With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Senator Paul Simon Study Abroad Foundation Act.

This year marks the 200th anniversary of Abraham Lincoln's birth. We will spend this bicentennial year reflecting on Lincoln's legacy, a legacy that extends far beyond the Civil War. President Lincoln strove to democratize higher education. He enacted the Morrill Act, establishing public land grant universities and opening the doors to a college education to more Americans.

As we recognize Lincoln's legacy this year, we can again transform higher education. Today with Senator WICKER I am introducing the Senator Paul Simon Study Abroad Foundation Act, which has the potential to equip a new generation of Americans with the skills to live in a globalized world.

The bill is named after the late Senator Paul Simon, a man whose passion for the public good remains an inspiration to all who knew him. Shortly before his death in late 2003, Senator Simon came back to Washington to talk to his former colleagues about the need to strengthen American security. He wondered how the United States could lead the world to stability, peace, and harmony when so many Americans are ignorant of the world. He envisioned a United States populated by a generation of Americans with greater international understanding—an understanding arrived at not by just studying the world, but by living in it. He believed this study abroad initiative would be as transformative as Lincoln's work to expand access to college.

Paul's tireless efforts led to Congress' establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Lincoln Commission, and it was a privilege for me to introduce legislation in the past two Congresses to

bring Paul Simon's dream closer to reality. The bill is based on the Commission's recommendations for a study abroad program for undergraduate students that will help build global awareness and international understanding. In the last Congress, this bill was supported by 50 bipartisan cosponsors.

The Senator Paul Simon Study Abroad Foundation Act has big goals. It declares our intention to send one million students abroad per year within the next decade. More of those students will study in the developing world and the students we send will be more diverse in terms of race, socioeconomic background, and field of study. To accomplish these goals, a small public-private entity, the Senator Paul Simon Foundation, will award grants to students and institutions of higher education. The goal of the program is to make study abroad in high-quality programs in diverse locations around the world more common for all college students. Grants to colleges and universities will be used to encourage tearing down institutional barriers to study abroad. By leveraging change at the institution level, the Foundation will create opportunities for countless students—far more than possible through direct student grants alone.

Expanding study abroad should be a national priority. The future of the country depends on globally literate citizens who are at ease in the world. In his troubled time, Lincoln said, ''The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.'' Today, our Nation also faces an occasion piled high with difficulty. By passing the Senator Paul Simon Study Abroad Foundation Act, we will send the next generation of Americans out into the world with open minds and they will come back able to think anew and act anew. I ask my colleagues to join Senator WICKER and me in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 473

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senator Paul Simon Study Abroad Foundation Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America's standing in the world, President Barack Obama has said that he will call on our nation's greatest resource, our people, to reach out to and engage with other nations.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of

the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this Act. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this Act; and

(5) minimize administrative costs and maximize the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under

the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 7. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 8(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 6(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 6(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 11(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 3;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 5(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 6;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 6; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act $80,000,000 for fiscal year 2010 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I come to introduce another bill as part of my Accountability in Government Week. Yesterday I introduced the False Claims Act Clarification Act to help restore the original intent of the most successful law the Government utilizes to protect taxpayers' dollars from fraud, waste, and abuse.

One key component I added to the False Claims Act when it was amended in 1986 was allowing whistleblowers to file cases on behalf of the Government when they are aware of fraud or abuse of taxpayers' funds. Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the fraud. However, for their brave efforts whistleblowers are often the victims of retaliation and are removed from their jobs by supervisors who do not want the wrongdoing uncovered.

I have often said whistleblowers were as welcome as skunks at a picnic, despite the fact that all they do is bring forward the truth. This is wrong. That is why I have supported strong whistleblower protection laws during my time in the Congress.

The landmark whistleblower law is the Whistleblower Protection Act of 1989—I believe is the year it was passed—providing rights and remedies to executive branch whistleblowers who are the victims of retaliation. I proudly cosponsored that bill. But like many laws that are 20 years old, it needs to be updated. So I have cosponsored legislation introduced by Democratic Senator AKAKA to do just that. However, that law also needs to be extended to employees of the legislative and judicial branches of Government. So I come today to start the discussion and to introduce legislation that will provide the same whistleblower protection rights currently extended to executive branch employees to the legislative branch.

I am pleased to be joined by Senator MCCASKILL in introducing the Congressional Whistleblower Protection Act of 2009. This important legislation simply adds whistleblower protections to the legislative branch by incorporating the Whistleblower Protection Act into the Congressional Accountability Act of 1995, a law that I authored to bring Congress in line with many labor and workplace practices that affected businesses around the country because I have long believed Congress should practice what it preaches. This legislation will do just that.

You might remember the Congressional Accountability Act was passed because, going back to the 1930s, Congress had exempted itself from a lot of employment laws because we individual Senators are employers, the Congress is an employer, but we exempted ourselves from, I think, 18, 19 different laws at that particular time.

So in 1995 I wanted to end the proposition of why we had two sets of laws in this country—one for Capitol Hill and one for the rest of the country. Now, since 1995, we have one set of laws, but we do not have the whistleblower protections that ought to be in it.

A theme that has dominated this new Congress, as well as dominated the campaign of last fall, is accountability and responsibility in Washington. In most instances, the only reason we discovered waste or fraud is because employees were brave enough to stand up to the wrongdoers and to expose the offenses. Without these whistleblowers, the American taxpayer would continue to foot a bill that might be a violation of law, might be fraudulent use of taxpayers' money, might just be a waste of taxpayer money. Either way, taxpayers are hurt.

This bill is long overdue. I have previously introduced similar legislation, but, unfortunately, those bills were never brought out of committee. I hope the Homeland Security and Government Affairs Committee, of which the chairman is on the Senate floor—I did not know the Senator would be so available for me to preach to him. I hope the Homeland Security and Governmental Affairs Committee will examine this legislation and will closely and expeditiously report it to the full Senate so we can ensure employees of the legislative branch that they are protected from any reprisals relating to protected whistleblowing the same way as executive branch employees.

Now, it has been a number of years since the Congressional Accountability Act was signed into law. So I would like to remind my colleagues why we passed that law. It was a time very similar to today. The American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that were enforced on other branches of Government and businesses all across the country.

That is what the Congressional Accountability Act did. It applied a number of important laws to Congress, including the Fair Labor Standards Act, title VII, the Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Family Medical Leave Act, the Occupational Safety and Health Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title V relating to Federal service labor-management relations. It also created the Office of Compliance of the legislative branch that oversees the application of these important laws to this branch of Government and ensures that employees' rights under these laws are protected.

While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the legislative branch, including the purpose of my bill, the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the executive branch, so it does not make sense not to extend those same protections to whistleblowers working right here in our own backyard on Capitol Hill. My bill will, very simply, give congressional employees the same protections that workers of other branches of Government have. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the legislative branch by the Congressional Accountability Act.

This is a straightforward and simple solution to ensuring that employees of the legislative branch are not without vital whistleblower protections. So I ask, in closing, that my colleagues join me and Senator MCCASKILL in supporting this bill to ensure that those who help us in the fight to hold Government accountable are not punished for those efforts.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

Ms. SNOWE. Mr. President, I rise to introduce a bill with Senator WHITEHOUSE to extend the reach of the Federal Bureau of Investigation into financial crimes that may have helped precipitate last year's economic meltdown.

We must investigate and scrutinize this financial crisis as we would a terrorist attack in order to determine its causes and how to preempt another economic collapse in the United States.

Following the September 11 attacks, the FBI redirected approximately 1,000 agents to counterterrorism and counterintelligence activities. Without a doubt, there is no argument that our country has benefitted from the dedicated efforts of the men and women of the FBI who are performing this valuable work.

Over a 10-year period, from fiscal year 1999 to fiscal year 2008, Congress has increased direct appropriations for the FBI from $2.993 billion and 26,693 positions to $6.658 billion—122 percent increase—and 30,211 positions—13 percent increase. Most of these new resources were provided in the wake of the September 11 terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for fiscal year 2008, about 60 percent of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

In view of the breadth and severity of the economic crisis brought on by events in U.S. financial markets, however, I am very concerned that criminal wrongdoing may have played a significant role in crippling some of America's largest companies. Criminal activity, such as fraud, misrepresentation, self-dealing, and insider trading may have instigated or exacerbated the financial industry upheaval of 2008–2009.

In order to augment FBI investigations of financial crimes, the FBI Priorities Act of 2009 authorizes $150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. It is my hope that this extra manpower will enable the FBI to develop leads on unlawful actions, dig deeply into those leads, and bring responsible parties to justice. The American public deserves no less.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the senior Senator from Mississippi, Mr. COCHRAN, the Senate Campaign Disclosure Parity Act, a bill to require that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue; indeed I first introduced this bill in 2003. I hope that the Senate will act quickly on this legislation this year.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. The Campaign Finance Institute asks a rhetorical question: ''What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?''

The answer, of course, is nothing. The U.S. Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, ''[v]oters in six of the hottest Senate races were out of luck the week before the November 7 election if they did Web searches for information on general election contributions since June 30. . . . In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on pre-general election (October 1–18) donations.'' And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that ''When the polls opened in November 2004, voters were in the dark about $53 million in individual Senate contributions of $200 or more dating all the way back to July. . . .''

Because the Senate failed to pass this bill last Congress, even though we had 48 bipartisan cosponsors and no known opposition, and even though the Senate Rules Committee reported the bill by voice vote, the same problem existed for Senate elections in the 2008 cycle. In addition, because of the expense, when the FEC puts information from the paper filings in its electronic database, it only enters contributions, not expenditures. So anyone interested in how a Senate campaign is spending its money has to consult the paper forms.

As Roll Call said in its recent editorial in favor of the bill, ''[i]t's time for this nonsense to come to an end.'' It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: ''Isn't it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?'' This Congress, let us finally answer that question in the affirmative.

I ask unanimous consent that the text of the bill and the Roll Call editorial be printed in the RECORD.

[From Roll Call, Feb. 11, 2009]

OUTRAGEOUS

In this year when ''transparency'' is all the rage, it would be appropriate for the Senate—at long last—to join the House and every federal political committee in filing campaign finance reports electronically.

Fundraising and spending reports for the end of 2008 were due on Jan. 31. Reports for House Members and candidates and the Republican and Democratic parties and their campaign committees all were instantly available to the media, watchdog groups and the public on the Federal Election Commission's Web site.

But Senate reports take weeks from the filing deadline to make it into the public realm. And when they are made available, it's at the conclusion of a circuitous process

that costs taxpayers an estimated $250,000 a year that could be far better spent elsewhere—almost anywhere else—or simply used to narrow the federal deficit.

Moreover, because of the expense, the FEC does not electronically post Senate campaign expenditures, only contributions—a gap that Steve Weissman of the Campaign Finance Institute correctly calls ''outrageous.''

Senators use FEC-approved software to compile their reports, but then they snail-mail paper copies to the office of the Secretary of the Senate, which then scans some 27,000 pages and sends them electronically to the FEC.

They can be then combed through page by page on the FEC Web site, but not digitally manipulated or matched. The FEC hires a contractor to key the data into digital form. Only then, a month or more after the filing deadline, can the data be searched and connections made, if any, between money collected and votes or positions Senators or their opponents have taken.

But it still takes page-by-page searching to review candidates' spending—to determine, for instance, if candidates' relatives are on the campaign payroll.

All this ridiculous complexity is necessary because in 2000 the Senate exempted itself from an electronic filing requirement written into the FEC's appropriation. Legislation to correct the situation has been regularly introduced by Sen. Russ Feingold (D–Wis.), and it's regularly had dozens of cosponsors.

But it's never passed. Change was resisted at first by Sen. Robert Byrd (D–W.Va.), who wanted to maintain a fusty Senate ''prerogative,'' and then by various Republican Senators who wanted to attach amendments that amounted to ''poison pills.''

Last year, the Senate Rules and Administration Committee approved the bill for floor action, but it was blocked by Sen. John Ensign (R–Nev.) who sought to add a provision requiring disclosure of the donors to any organization filing ethics complaints against a Senator. The bill never was voted on.

It's time for this nonsense to come to an end. Feingold is planning to re-introduce the measure soon. It ought to be processed promptly by the Rules Committee, now chaired by Sen. Charles Schumer (D–N.Y.), and pushed to the floor for passage as early in the year as possible so if it's subject to more shenanigans, they can be exposed and resolved.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I am introducing the Mark Twain Commemorative Coin Act. I am pleased to be joined by Senators LIEBERMAN, BOXER, SCHUMER, MCCASKILL, and BOND in cosponsoring this legislation, which authorizes the Secretary of the Treasury to mint 100,000 five-dollar gold coins and 500,000 silver dollar coins in a design emblematic of the life and legacy of Mark Twain.

Samuel L. Clemens, better known by his pen name ''Mark Twain,'' was born in 1835 in Florida, Missouri, and died in 1910 while residing in my home State of Connecticut. As many of us know from having read his works, Twain is an iconic author who has left an indelible mark on our Nation's history. Two of his most renowned works, ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn,'' have become a central part of the American literary canon and are still widely read in schools and universities across the country. Another enduring work, entitled ''The Gilded Age: A Tale of Today,'' satirized the excesses of the age during which it was written, and solidified Twain's reputation as a fierce but subtle social critic. His writings evoke discussions of race, politics, and economic inequality, all issues with which our nation continues to struggle as we become a ''more perfect union.''

This bill will allow the Treasury to mint and issue coins in commemoration of Mark Twain's lasting contributions to America's literary tradition and cultural heritage. A portion of proceeds from surcharges of $35 and $10 applied to each gold and silver coin sold to the public will be distributed by the Treasury to support four institutions critical to the mission of promoting Mark Twain's legacy: The Mark Twain House & Museum in Hartford, CT; the Mark Twain Project at the Bancroft Library of the University of California, in Berkeley, CA; the Center for Mark Twain Studies at Elmira College, in New York; and the Mark Twain Boyhood Home & Museum in Hannibal, MO.

The Mark Twain House and Museum in Hartford, CT, is a national historic landmark. Each year, over 60,000 visitors flock there, many of them from outside my home State. This site offers a unique experience to all who visit, and serves as a center for educating young and old alike about Mark Twain's life and legacy. However, as recent news articles have reported, the Mark Twain House and Museum has—not unlike many other nonprofit entities across the country in the midst of the economic downturn—struggled to cover operating costs solely on private donations, and the financial challenges it currently faces are substantial. Passing this legislation will help to support the continued operation and restoration of the Mark Twain House, and promote its goals by honoring Mark Twain with a commemorative coin desirable to coin collectors as well as enthusiasts of American history and literature.

Congressman JOHN LARSON of Connecticut is introducing companion legislation today in the House of Representatives. As a procedural matter, the House Financial Services Committee requires no less than 290 cosponsors for any commemorative coin bill to come under committee consideration, and similar cosponsorship rules are in place for the Senate Committee on Banking, Housing, and Urban Affairs. Moreover, the House adheres to a tradition of interpreting commemorative coin bills as ''revenue-raisers'' subject to the origination clause of the U.S. Constitution. Passing the Mark Twain Commemorative Coin Act through both Houses will require no small amount of effort, but today marks an important first step as we put this legislative proposal forward and begin to generate broad public support for the effort. Once Congressman LARSON'S companion bill meets the necessary requirements and is adopted by the full House, I intend to press it forward here in the Senate.

The legislation I am introducing will require broad bipartisan support to meet the high threshold for commemorative coin legislation established by the rules of the Committee on Banking, Housing, and Urban Affairs, so I urge my colleagues to cosponsor this legislation and join me in supporting the life and legacy of Mark Twain, as well as the important places in our Nation that promote further study and education on his significant contributions to American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 483

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mark Twain Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Samuel Clemens—better known to the world as Mark Twain—was a unique American voice whose literary work has had a lasting effect on our Nation's history and culture;

(2) Mark Twain remains one of the best known Americans in the world, with over 6,500 editions of his books translated into 75 languages;

(3) Mark Twain's literary and educational legacy remains strong even today, with nearly every book he wrote still in print, including ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn''—both of which have never gone out of print since they were first published over a century ago;

(4) in the past 2 decades alone, there have been more than 100 books published and over 250 doctoral dissertations written on Mark Twain's life and work;

(5) even today, Americans seek to know more about the life and work of Mark Twain, as people from around the world and across all 50 States annually flock to National Historic Landmarks like the Mark Twain House & Museum in Hartford, Connecticut and the Mark Twain Boyhood Home & Museum in Hannibal, Missouri; and

(6) Mark Twain's work is remembered today for addressing the complex social issues facing America at the turn of the century, including the legacy of the Civil War, race relations, and the economic inequalities of the ''Gilded Age''.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;
(B) have a diameter of 0.850 inches; and
(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—
(A) weigh 26.73 grams;
(B) have a diameter of 1.500 inches; and
(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Mark Twain.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—
(A) a designation of the value of the coin;
(B) an inscription of the year ''2013''; and
(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the Mark Twain House & Museum; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) ⅖ of the surcharges, to the Mark Twain House & Museum in Hartford, Connecticut, to support the continued restoration of the Mark Twain house and grounds, and to ensure continuing growth and innovation in museum programming to research, promote, and educate on the legacy of Mark Twain.

(2) ⅕ of the surcharges, to the Mark Twain Project at the Bancroft Library of the University of California, Berkeley, California, to support programs to study and promote Mark Twain's legacy.

(3) ⅕ of the surcharges, to the Center for Mark Twain Studies at Elmira College, New York, to support programs to study and promote Mark Twain's legacy.

(4) ⅕ of the surcharges, to the Mark Twain Boyhood Home & Museum in Hannibal, Missouri, to preserve historical sites related to Mark Twain and to help support programs to study and promote Mark Twain's legacy.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each of the organizations referred to in paragraphs (1), (2), (3), and (4) of subsection (b) as may be related to the expenditures of amounts paid under such subsection.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help protect the retirement benefits earned by our Nation's public service workers.

I am pleased to be joined by my colleague from Maine, Senator COLLINS, as well as Senators DURBIN, KERRY, BROWN, CARDIN, BOXER, LINCOLN, WHITEHOUSE, NELSON of Florida, and MENENDEZ.

This bill will repeal two provisions of the Social Security Act—the Government pension offset and the windfall elimination provision—that unfairly reduce retirement benefits for teachers, police officers, and firefighters.

These two provisions were originally designed—the Government pension offset in 1977 and the windfall elimiantion provision in 1983—to prevent public employees from being unduly enriched.

But, the practical effect is that those providing critical public services are unjustly penalized.

Approximately 1½ million Federal, State, and municipal workers, as well as teachers and other school district employees, are held to a different standard when it comes to retirement benefits.

In California, the problem affects about 200,000 workers.

The Government pension offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of the individual's public pension.

In most cases, the Government pension offset eliminates the spousal benefit for which an individual qualifies. Three quarters of employees affected by the Government pension offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

According to the Congressional Research Service, the Government pension offset provision alone reduces the retirement benefits earned by nearly 500,000 Americans each year by an average of $500 per month.

The windfall elimination provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a State teacher retirement fund.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first $744 in average monthly career earnings, plus 32 percent of monthly earnings up to $4,483 and 15 percent of earnings above $4,483.

Under the windfall elimination provision, retired public employees, however, are only allowed to receive 40 percent of the first $744 in career monthly earnings, a penalty of over $350 per month.

Our legislation will allow government pensioners the chance to earn the same 90 percent to which nongovernment pension recipients are entitled.

For those living on fixed incomes, in some cases this represents the difference between a comfortable retirement and poverty.

Americans are hurting as our economy continues to contract.

More than $4 trillion in retirement savings were lost last year as markets destabilized and investments soured.

Retirees on fixed incomes have been especially impacted by this recession. Every dollar matters to a retiree struggling to pay bills and meet mortgage obligations.

In California, more than 837,000 foreclosures were filed last year. The roughly $500 lost by beneficiaries to the Government pension offset each month may mean the difference between foreclosure and keeping one's home.

This is also critical for seniors residing in assisted living facilities or retirement communities concerned about paying the increasingly high cost of care.

Our Nation's unemployment rate stands at 7.6 percent. And, in my State, over 1.7 million people are out of work. For those close to retirement who have lost their jobs, reductions in Social Security benefits compound an already challenging situation.

We must also eliminate the barriers which discourage many Americans from pursuing careers in public service.

This is more difficult now than ever, as states face mounting deficits and painful budget cuts. Communities must be able to retain their most qualified teachers, police officers, and firefighters.

Unfortunately, the Government pension offset and windfall elimination provision only contribute to this problem at a time when we should be doing everything we possibly can to bring the best and brightest to these careers.

It is estimated that schools will need to hire between 1.7 million and 2.7 million new teachers nationwide by the end of this year because of record enrollments in public schools.

The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has roughly 310,000 teachers but will need to double this number over the next decade, to 600,000 teachers, in order to keep up with student enrollment levels.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on the other hand, those wishing to do so are told that their retirement benefits will be significantly reduced.

I certainly recognize that our Federal budget deficit and national debt make repealing the Government pension offset and windfall elimination provision difficult.

And, I remain open to considering any alternatives that will allow hard working employees to keep the Social Security benefits to which they are entitled.

But the bottom line is that we should respect, not penalize, our public service employees.

In the 110th Congress, 38 Senators joined me in cosponsoring this legislation. In the House of Representatives, 351 Members of Congress supported Representative HOWARD BERMAN's companion bill. Our bill enjoys the support of more than three quarters of the entire House of Representatives.

The reason for this support is because public servants across the country are calling on Congress to act.

It is long overdue that we resolve this inequity, and it is time that this body protects retirement benefits for public employees and formulates a more cohesive approach to promoting public sector employment.

So I hope that my colleagues will join me in protecting the retirement benefits of our Nation's hard working public servants. We value their contributions and must ensure that all Americans receive the retirement benefits they have earned and deserve.

I ask unanimous consent that a copy of the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 484

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Fairness Act of 2009''.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q),'' and inserting ''subsection (q)''.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q)'' and inserting ''subsection (q)''.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking ''section 215(f)(5), 215(f)(6), or 215(f)(9)(B)'' in subparagraphs (C) and (D)(i) and inserting ''paragraph (5) or (6) of section 215(f)''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2009. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act, which repeals both the windfall elimination provision, WEP, and the Government pension offset, GPO. We believe that these two provisions in the Social Security Act unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications for many of our teachers, police officers, firefighters, postal workers and other public employees. Given their important responsibilities, it is simply unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. They have worked long enough to earn their Social Security benefits. Yet because of the GPO and WEP, they are unable to receive all of the Social Security benefits to which they otherwise would be entitled.

The impact of these two provisions is most acute in 15 States, including Maine, which have State retirement plans that lack a Social Security component. However, it is important to point out that the GPO and WEP affect public employees and retirees in every State, and in particular our emergency responders, our postal workers and our other Federal employees. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost 1 million retired public employees across the country have already been harmed by these provisions. Many more stand to be harmed in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in retirement benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the public servants who are so critical to the safety and well-being of our families.

What is most troubling is that this offset is most harsh for those who can least afford the loss: lower income women. In fact, of those affected by the GPO, over 70 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Many Maine teachers, in particular, have talked with me about the impact of these provisions on their retirement security. They love their jobs and the children they teach, but they worry about the future and about their financial security.

In September of 2003, I chaired an oversight hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME, who was then 73. Mrs. Worcester told the committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement.

Mrs. Worcester had worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State retirement system for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, even though she worked hard and paid into the Social Security system for more than 20 years, she receives less than $800 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, who turns 78 next month, is still substitute teaching just to make ends meet. She cannot afford to stop working. This simply is not right.

It is time for us to take action, and I urge all of my colleagues to join us in cosponsoring the Social Security Fairness Act to eliminate these two unfair provisions.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a

seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that S.J. Res. 11, proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia, be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. The people of the District constituting the seat of Government of the United States shall elect one representative to the House of Representatives who is a resident of that District. The representative so elected shall have the same rights, privileges, and obligations as a Representative from a State.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out in powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $5,210,765, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $9,161,539, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,901,707 of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related !o the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010 through February 28, 2011, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 55—DESIGNATING EACH OF FEBRUARY 4, 2009, AND FEBRUARY 3, 2010, AS ''NATIONAL WOMEN AND GIRLS IN SPORTS DAY''

Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 55

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe ''National Women and Girls in Sports Day'' with appropriate ceremonies and activities.

SENATE RESOLUTION 56—URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A FAIR AND DEMOCRATIC ELECTION PROCESS FOR THE PARLIAMENTARY ELECTIONS ON APRIL 5, 2009

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elections on March 6, 2005, by ensuring ''unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis'' and

''the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation'';

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, ''they fell short of some that are central to a genuinely competitive election process'', in particular ''campaign conditions and access to media'', confirming the ''negative trends already noted in the 2003 local elections'';

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but ''fell short of a number of OSCE commitments central to a competitive electoral process,'' in particular by not fully respecting ''the right of citizens to seek public office and equitable media access'';

Whereas Freedom House, a non-profit, nonpartisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only ''partly free'';

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the assumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

Mr. LUGAR. Mr. President, today I submit a resolution urging the Government of Moldova to ensure a fair and democratic election process for the upcoming parliamentary elections on April 5, 2009.

Since independence in 1991, Moldova has made notable progress in establishing a democratic political system and a free market economy. However, the Organization for Security and Cooperation in Europe, OSCE, has reported that recent rounds of parliamentary elections have fallen short on a number of international election standards.

In 2005, the Senate passed a Resolution expressing our support for democratic reform in Moldova and urging the Government of Moldova to ensure unimpeded access by all parties and candidates to all media outlets in the run-up to the 2005 parliamentary elections. While the OSCE found that the 2005 elections generally complied with international standards, it found that ''campaign conditions and access to media'' fell short of these standards. The OSCE reported similar circumstances following the 2007 parliamentary elections, including a lack of ''equitable media access'' among the candidates.

This Resolution re-affirms the United States Senate's support for political reform and fair democratic processes with our partners in Moldova. It urges the Government of Moldova to recognize the importance of guaranteeing all election candidates equitable access to media outlets in Moldova for the April 2009 elections. This will be an important consideration for receiving a Compact from the Millennium Challenge Corporation and for Moldova's full integration as a member of the Western community of democracies.

I ask my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 8—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

AMENDMENTS SUBMITTED AND PROPOSED

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.; which was ordered to lie on the table.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS , Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, supra.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill S. 160, supra.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, supra.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill add the following:

SEC. 9. FAIRNESS DOCTRINE PROHIBITED.

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

''(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

''(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

TITLE ____—SECOND AMENDMENT ENFORCEMENT ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Second Amendment Enforcement Act''.

SEC. __02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. __03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. __04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun

can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. __05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. __06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. __07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. __08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. __09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. __10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

SEC. __11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

SEC. __12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill s. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the first word and insert the following:

SECOND AMENDMENT ENFORCEMENT ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Second Amendment Enforcement Act''.

SEC. __02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and

for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. __03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. __04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. __05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7—2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. __06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. __07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. __08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. __09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. __10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

SEC. __11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

SEC. __12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect 1 day after the date of enactment of this Act.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

''(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia during the entire taxable year, gross income shall not include—

''(1) income derived from sources within the District of Columbia; and

''(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

''(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

''(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

''(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of section 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 938. Income from sources within the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

SEC. _____. RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Respecting States Rights and Concealed Carry Reciprocity Act of 2009''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

''(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

''(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) SEVERABILITY.—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NO FEDERAL INCOME TAXES FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

''(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia (other than a Member of Congress) during the entire taxable year, gross income shall not include—

''(1) income derived from sources within the District of Columbia; and

''(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

''(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

''(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

''(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of sections 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 938. Income from sources within the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the

United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking ''any type of weapon'' and inserting the following: ''any—

''(i) type of weapon''; and

(2) by striking ''and'' at the end and inserting the following: ''or

''(ii) .50 BMG caliber sniper rifle; and''.

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term '.50 BMG caliber sniper rifle' means—

''(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

''(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.''.

(c) COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.—

(1) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(A) by striking ''and (3)'' and inserting ''(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)''; and

(B) by striking ''(1) and (2)'' and inserting ''(1), (2), or (3)''.

(2) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting ''or from a bipod or other support'' after ''shoulder''.

(d) IMPLEMENTATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this section) under this section and the amendments made by this section, including the use of a notice and registration process similar to that used when the USAS–12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94–1 (ATF Q.B. 1994–1, 22); ATF Ruling 94–2 (ATF Q.B. 1994–1, 24); and ATF Ruling 2001–1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this subsection, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. FOREIGN CONVICTIONS OF DANGEROUS CRIMES.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(2) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

(d) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RETROCESSION OF DISTRICT OF COLUMBIA TO MARYLAND.

(a) IN GENERAL.—Upon the issuance of a proclamation by the President under section 6 and except as provided in subsection (b), the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

(b) CONTINUATION OF FEDERAL CONTROL OVER NATIONAL CAPITAL SERVICE AREA.—Notwithstanding subsection (a), Congress shall continue to exercise exclusive legislative authority and control over the District of Columbia, which shall consist of the National Capital Service Area described in section 3.

SEC. 2. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT OF COLUMBIA.

(a) CONTINUATION OF SUITS.—No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia on the effective date of this Act shall abate as a result of the enactment of this Act, but shall be transferred and shall proceed within such appropriate court of the State of Maryland as established under the laws or constitution of the State of Maryland.

(b) APPEALS.—An order or decision of any court of the District of Columbia for which no appeal has been filed as of the effective date of this Act shall be considered an order or decision of a court of the State of Maryland for purposes of appeal from and appellate review of such order or decision in an appropriate court of the State of Maryland.

SEC. 3. NATIONAL CAPITAL SERVICE AREA.

(a) DESCRIPTION.—The National Capital Service Area referred to in section 1(b) is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building (but shall not include the District Building), and is more particularly described as the territory located within the following boundaries:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Nineteenth Street Northwest;

thence north on Nineteenth Street Northwest to F Street Northwest;

thence east on F Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;
thence north on Seventeenth Street Northwest to H Street Northwest;
thence east on H Street Northwest to Madison Place Northwest;
thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;
thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;
thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;
thence southeast on Pennsylvania Avenue Northwest to Tenth Street Northwest;
thence north on Tenth Street Northwest to E Street Northwest;
thence east on E Street Northwest to Ninth Street Northwest;
thence south on Ninth Street Northwest to Pennsylvania Avenue Northwest;
thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;
thence north on John Marshall Place Northwest to C Street Northwest;
thence east on C Street Northwest to Third Street Northwest;
thence north on Third Street Northwest to D Street Northwest;
thence east on D Street Northwest to Second Street Northwest;
thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;
thence northeast on Louisiana Avenue Northwest to North Capitol Street;
thence north on North Capitol Street to Massachusetts Avenue Northwest;
thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;
thence following Union Square to F Street Northeast;
thence east on F Street Northeast to Second Street Northeast;
thence south on Second Street Northeast to D Street Northeast;
thence west on D Street Northeast to First Street Northeast;
thence south on First Street Northeast to C Street Northeast;
thence east on C Street Northeast to Third Street Northeast;
thence south on Third Street Northeast to Maryland Avenue Northeast;
thence south and west on Maryland Avenue Northeast to Constitution Avenue Northeast;
thence west on Constitution Avenue Northeast to First Street Northeast;
thence south on First Street Northeast to Maryland Avenue Northeast;
thence generally north and east on Maryland Avenue to Second Street Northeast;
thence south on Second Street Northeast to East Capitol Street;
thence east on East Capitol Street to Third Street Northeast;
thence south on Third Street Northeast to Independence Avenue Southeast;
thence west on Independence Avenue Southeast to Second Street Southeast;
thence south on Second Street Southeast to C Street Southeast;
thence west on C Street Southeast to New Jersey Avenue Southeast;
thence south on New Jersey Avenue Southeast to D Street Southeast;
thence west on D Street Southeast to Washington Avenue Southwest;
thence north and west on Washington Avenue Southwest to the intersection of Independence Avenue Southwest and Second Street Southwest;
thence south on Second Street Southwest to Virginia Avenue Southwest;
thence generally west on Virginia Avenue to Third Street Southwest;
thence north on Third Street Southwest to C Street Southwest;
thence west on C Street Southwest to Sixth Street Southwest;
thence south on Sixth Street Southwest to E Street Southwest;
thence west on E Street Southwest to Seventh Street Southwest;
thence north on Seventh Street Southwest to Maryland Avenue Southwest;
thence west on Maryland Avenue Southwest to Ninth Street Southwest;
thence north on Ninth Street Southwest to Independence Avenue Southwest;
thence west on Independence Avenue Southwest to Twelfth Street Southwest;
thence south on Twelfth Street Southwest to D Street Southwest;
thence west on D Street Southwest to Fourteenth Street Southwest;
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;
thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;
thence due east to the side of the Washington Channel;
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) STREETS AND SIDEWALKS.—The National Capital Service Area shall include any street (and sidewalk thereof) that bounds such Area.

(c) AFFRONTING OR ABUTTING FEDERAL REAL PROPERTY.—

(1) IN GENERAL.—The National Capital Service Area shall include any Federal real property affronting or abutting such Area as of the effective date of this Act.

(2) PROPERTY INCLUDED.—For purposes of paragraph (1), Federal real property affronting or abutting the National Capital Service Area shall—

(A) include the Department of Housing and Urban Development Building, the Department of Energy Building, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not include any portion of Rock Creek Park, any portion of Anacostia Park east of the northern side of the Eleventh Street Bridge, or any territory not located in the District of Columbia on the day before the date of the enactment of this Act.

SEC. 4. TRANSITION PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.

(a) TEMPORARY INCREASE IN APPORTIONMENT.—

(1) IN GENERAL.—Until the taking effect of the first reapportionment occurring after the effective date of this Act—

(A) the individual serving as the Delegate to the House of Representatives from the District of Columbia shall serve as a member of the House of Representatives from the State of Maryland;

(B) the State of Maryland shall be entitled to 1 additional Representative until the taking effect of such reapportionment; and

(C) such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(2) INCREASE NOT COUNTED AGAINST TOTAL NUMBER OF MEMBERS.—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2), nor shall such temporary increase affect the basis of reapportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) REPEAL OF LAWS PROVIDING FOR DELEGATE FROM THE DISTRICT OF COLUMBIA.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

SEC. 5. EFFECT ON OTHER LAWS.

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided in this Act, or to the extent that such law or regulation is inconsistent with this Act.

SEC. 6. PROCLAMATION REGARDING ACCEPTANCE OF RETROCESSION BY MARYLAND.

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance and declaring that the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States has been ceded back to the State of Maryland.

SEC. 7. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on the date the President issues a proclamation under section 6 or the date of the ratification of an amendment to the Constitution of the United States repealing the twenty-third article of amendment to the Constitution, whichever comes later.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor sex offense against a minor.''.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor sex offense against a minor,''.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'misdemeanor sex offense against a minor' means a sex offense against a minor punishable by imprisonment for not more than 1 year.

''(37) The term 'sex offense' means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

''(38) The term 'minor' means an individual who has not attained 18 years of age.''.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108–199, 118 Stat. 134) is amended by striking ''fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2010''.

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), any amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

On page 28, after line 18, add the following:

TITLE ___—PUERTO RICO

SEC. 201. SHORT TITLE.

This title may be cited as the ''Puerto Rico Democracy Act of 2009''.

SEC. 202. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Puerto Rico State Elections Commission.

(2) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

SEC. 203. PLEBISCITE.

(a) IN GENERAL.—During the 111th Congress, but not later than December 31, 2010, the Commission shall conduct a plebiscite in the Commonwealth, the ballot of which shall provide for voters to choose only 1 of the following options:

(1) ''The Commonwealth of Puerto Rico should continue to have its present status and relationship with the United States. If you agree, mark here_____.''.

(2) ''The Commonwealth of Puerto Rico should seek independence from the United States. If you agree, mark here _____.''.

(3) ''The Commonwealth of Puerto Rico should seek nationhood in free association with the United States. If you agree, mark here _____.''

(4) ''The Commonwealth of Puerto Rico should seek admission as a State of the United States. If you agree, mark here _____.''

(b) RULES AND REGULATIONS.—The Commission shall issue any rules and regulations necessary to conduct the plebiscite under subsection (a).

(c) CERTIFICATION OF RESULTS.—The Commission shall certify the results of the plebiscite conducted under subsection (a) to the President and each member of Congress.

(d) FEDERAL COURT JURISDICTION.—The Federal courts of the United States shall have jurisdiction over any legal claim or controversy arising from the implementation of this title.

SEC. 204. AVAILABILITY OF FUNDS FOR THE SELF-DETERMINATION PROCESS.

(a) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning on October 1, 2008, and ending on the date on which the results of the plebiscite have been certified under section 203(c), the Secretary of the Treasury shall allocate to the Commission, from amounts that would otherwise be covered into the treasury of the Commonwealth under section 7652(e)(1) of the Internal Revenue Code of 1986, not more than $5,000,000 to pay the costs incurred by the Commission in conducting the plebiscite, as determined by the President, in consultation with the Commission.

(b) USE OF FUNDS FOR EDUCATIONAL AND OTHER MATERIALS.—In allocating amounts to the Commission under subsection (a), the Secretary shall ensure that the content of any Commission voter education materials to be prepared by the Commission using those amounts are not incompatible with the Constitution and the laws and policies of the United States.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

''(37) The term 'material support or resources' has the same meaning as in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3), or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application under paragraph (1) if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(3), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

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

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end ; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (d) or (j) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by adding ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (d) or (j) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant under subsection (b) if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief

that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (d) or (j), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (d) or (j), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (b)(1) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2009

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2009''.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

''(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

''(37) The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

''(38) The term 'special firearms event vendor' means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter;

''(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

''(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (d).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2009, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

''(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or

more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Attorney General; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all recordkeeping requirements under this chapter.

''(e) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or older;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of a valid registration and payment of a fee of $90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(f) DEFINED TERM.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

''(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

''(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking ''or licensed collector'' and inserting ''licensed collector, or special firearms event licensee''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''932. Regulation of firearms transfers at special firearms events.''.

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer,

licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 2:30 p.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Ensuring Television Carriage in the Digital Age'' on Wednesday, February 25, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Executive Nominations'' on Wednesday, February 25, 2009, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Aging be authorized to meet on Wednesday, February 25, 2009 at 10 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a business meeting and hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Ted Vogt of Senator KYL's staff be given floor privileges during the duration of the debate on S. 160.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN THE CONSTRUCTION OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 53 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res 53) authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 53

Whereas enslaved African-Americans provided labor essential to the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans toiled in the Aquia Creek sandstone quarry in Stafford County, Virginia and in a marble quarry in Montgomery County, Maryland to produce the stone that would be used in the Capitol;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas enslaved African-Americans labored on the Nation's Capitol while they, themselves, were not free;

Whereas the contributions of enslaved African-Americans in the construction of the Capitol have not been acknowledged nor adequately represented in the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contributions of enslaved African-Americans can fully and accurately reflect the history of the Capitol; and

Whereas recognition of the contributions of enslaved African-Americans brings to all people of the United States an understanding of the continuing evolution of democracy: Now, therefore, be it

Resolved, That the Senate authorizes and directs—

(1) the Senate Commission on Art to procure an appropriate plaque acknowledging the role of enslaved African-Americans in the construction of the Capitol; and

(2) that, under the direction of the Committee on Rules and Administration of the Senate, the plaque shall be placed near the original exterior wall that was constructed between 1793 and 1800 in the East Front corridor on the third floor of the Senate wing of the Capitol.

SUPPORTING CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Con. Res. 8.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

MEASURES READ THE FIRST TIME—S. 478, S. 482, H.R. 1105

Mr. REID. Mr. President, I have been led to believe there are three bills at the desk. If that is the case, I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (S. 478) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

A bill (S. 482) to require Senate candidates to file designations, statements, and reports in electronic form.

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Mr. REID. I now ask for a second reading en bloc on these matters, but I also object at the same time to my own request, en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 26, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, February 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 160, the District of Columbia House Voting Rights Act, as under the previous order that has already been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I indicated earlier, Senators should expect rollcall votes throughout the day as we work to complete action on the DC House Voting Rights Act. The first vote of the day is expected to begin at 10:30 in relation to the Kyl amendment regarding retrocession.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Thursday, February 26, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

JANE HOLL LUTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE PAUL A. SCHNEIDER, RESIGNED.

DEPARTMENT OF JUSTICE

TONY WEST, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE GREGORY G. KATSAS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

KENT P. BAUER
MARK S. MACKEY

THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE U.S. COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant commander

CORINNA M. FLEISCHMANN
KELLY C. SEALS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JONATHON V. LAMMERS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

GARY A. FOSKEY
JAMES P. ROSE
CONNIE L. WARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRYSON D. BORG
DOUGLAS W. BYERLY
RONEA N. HARRISSTITH
RYAN P. HAWKS
SVEN M. HOCHHEIMER
DAVID J. HOOPES
DEXTER W. LOVE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK RODRIGUEZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD E. TURSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH R. KRUPA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KATHLEEN P. NAIMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUAN G. ESTEVA
THOMAS E. STARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT F. DONNELLY
ANGELICA REYES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD H. DAHLMAN
REX E. DUNCAN
DAVID A. STILLS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JULIE S. AKIYAMA

To be major

ERIN J. BOGGS
DENNIS J. CURTIS
ANDREW L. HAGENMASTER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL L. NIPPERT

To be major

HUIFENG CHIU
JOHN K. GOERTMILLER

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARTIN L. BADEGIAN
PAUL J. DOUGHERTY
MARK J. HODD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DEBRA H. BURTON
GARY D. GILMORE
CHRISTINE GLOVER
HAROLD B. JONES, JR.
LEE D. SCHNELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL P. BRYANT
TONY A. BRYANT
STEVEN J. BUETHE
JOHN DORNEY
WALTER L. GOODWATER
HARRY F. GRIFFIN
THOMAS P. MICHELLI
WILLIAM R. RAY
WALTER M. SALMON
CHRISTOPHER R. WARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT J. ABBOTT
BRIAN P. ADAMS
ELIZABETH F. ALLEN
EDWARD G. BAHDI
MICHAEL P. BAILEYS
THOMAS W. BARROW
CHRISTIAN E. BEESE
EDWARD W. BERG
JOSHUA F. BERRY
CATHERINE M. BOWERY
CAROL A. BREWER
JOHN W. BROOKER
BAILEY W. BROWN III
MATTHEW L. BROWN
SHERILYN A. BUNN
SETH D. COHEN
ALBERT G. COURIE III
CHRISTOPHER T. CURRY
CHRISTIAN L. DEICHERT
DANIEL D. DERNER
JEFFREY S. DIETZ
SCOTT A. DIROCCO
PAUL M. DUBBELING
JAMES S. DUPRE, JR.
RAMSEY L. ELLIS
JUSTIN A. EVISON
CHRISTINE C. FONTENELLE
CHRISTOPHER M. FORD
TODD N. GEORGE
DERRICK W. GRACE
WENDALL H. HALL
NJERI S. HANES
IRENE D. HANKS
TODD J. HANKS
ERIC A. HETTINGA
JAMES T. HILL
ADAM S. KAZIN
LAURA R. KESLER
TONY Y. KIM
TIFFANY M. KOTZURCHAPMAN
KEVIN W. LANDTROOP
MARYANN LEAVITT
ROBERT M. LEONE
EDWARD C. LINNEWEBER
JOHN R. MALONEY
COREY J. MARKS
YOLANDA D. MCCRAY
ROBERT P. MCGOVERN
GRIFFIN P. MEALHOW
JOHN J. MERRIAM
TODD A. MESSINGER
EARL G. MITCHELL
DANISHA L. MORRIS
JENNIFER A. NEUHAUSER
DON D. NOBLE
ERIC D. NOBLE
JONATHAN M. PERSONS
EVAH K. POTTMEYER
JOHN M. RATLIFF
ROBERT A. RODRIGUES
PIA W. ROGERS
FRANKLIN D. ROSENBLATT
ROBERT E. SAMUELSEN II
MATTHEW H. SEEGER
CHRISTOPHER C. SHEPPARD
SARAH K. SOJA
PHYLISHA A. SOUTH
PHILIP M. STATEN
DAN E. STIGALL
TIMOTHY W. THOMAS
ALISON M. TULUD
BUHLER M. VAN
ELIZABETH A. WALKER
HEIDI E. WEAVER
ERIC W. WIDMAR
WINSTON S. WILLIAMS, JR.
PATRICK J. WOOLSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VANESSA A. BERRY
KEVIN M. BOYLE
TIMOTHY J. CODY
JOSEPH C. FETTERMAN
BRIAN J. GODARD
PATRICIA A. HAM
JOHN S. IRGENS
MARK L. JOHNSON
PAUL E. KANTWILL
JONATHAN A. KENT
CLAES H. LEWENHAUPT
JAMES M. PATTERSON
JEFFERY D. PEDERSEN
DAVID H. ROBERTSON
MARTIN L. SIMS
MICHAEL L. SMIDT
STEPHANIE L. STEPHENS
MARK TELLITOCCI
WALTER S. WEEDMAN
PAUL S. WILSON
GREGORY G. WOODS
SCOTT F. YOUNG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EFREN E. RECTO

To be lieutenant colonel

MITCHELL M. MATUNDAN

To be major

NICHOLAS C. CARO
JANICE E. KATZ
DEBORAH C. MARGULES
JOHN G. RUMBAUGH
RENEE Q. THAI
WILLIAM A. WOLKSTEIN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SUZANNE D. ADKINSON
JANIS K. BAUMAN
MONTY L. BRODT
JAMES A. BROWN
JAMES F. CHISHOLM IV
WALLACE A. HALL, JR.
LEE W. HOPKINS
RONALD G. MCLAURIN
MARK A. PILKINGTON
BRIAN F. RAY
MICHAEL L. SCHOLES
MICHAEL C. THOMPSON
JAMES B. WASKOM
BRANDON S. WATKINS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEREK M. ABBEY
VICTOR M. ABELSON
BENJAMIN T. ACKISON
ERNEST E. ADAMS
MICHAEL AGUILAR
OSCAR ALANIS, JR.
CAMERON W. ALBIN
ISMAEL ALCALA
SKENDER ALICKA
RICHARD J. ALLAIN
RYAN P. ALLEN
JOHN F. ALLSUP, JR.
RICHARD ALVAREZ
CLAIRE M. AMDAHL
EDWARD P. AMDAHL
MARK R. AMSPACHER
MICHAEL E. ANDA
AARON D. ANDERBERG
RICHARD A. ANDERSON
SCOTT J. ANDERSON
ANTHONY J. ANGELONE
ALEXANDER C. ARCINAS
DAVID A. ARENAS
DANIEL ARISPE
CHRISTOPHER J. ARMES
LAWRENCE R. ARNOLD
BARRY S. ARNWINE
JAMES A. ATCHISON, JR.
NICOLE V. AUNAPU
BENJAMIN P. AUSBROOKS
ARON M. AXE
DARRYL G. AYERS
RICHARD P. AYRES
ROBERT E. BACZKOWSKI, JR.
TASE E. BAILEY
MATTHEW D. BAIN
JONATHAN T. BAKER
BRADLEY J. BALL
BRIAN W. BANN
DAVID M. BANN
JEFFREY M. BARBER
ROBERT G. BARBER
ADAM N. BARBORKA
DAVID L. BARIL
BRUCE B. BARKER II
CHRISTOPHER R. BARNARD
SEAN W. BARNES
ROBERT M. BARNHART, JR.
ANDREW E. BARTLE
CARRIE C. BATSON
RYAN J. BAUMAN
JAMES F. BEAL
MARC D. BEAUDREAU
JAMES A. BEAULIEU
ROBERT D. BECHTOLD
BRIAN J. BECK
BRITON C. BECK
DALE R. BEHM
RUSSELL A. BELT II
RICARDO BENAVIDES
CHRISTOPHER S. BENFIELD
JOHN T. BERDUSIS
JASON B. BERG
THOMAS A. BERTRAM, JR.
DEREK C. BIBBY
JONATHAN E. BIDSTRUP
CHAD T. BIGNELL
JAMES W. BIRCHFIELD
PAUL F. BISCHOFF
JOE D. BLACK, JR.
EDWARD J. BLACKSHAW
MARC E. BLANKENBICKER
ROBERT H. BLEDSOE, JR.
JOE D. BLOCKER
BRIAN M. BLOMQUIST
CHADD W. BLOOMSTINE
SAMUEL P. BLUNTZER
HORACE J. BLY
NEIL E. BOOHER
JAMES R. BOOTH
JACKLYNN BORREGO
MICHAEL A. BOURQUIN
STEVEN B. BOWDEN
JONATHAN M. BOYD
KURT A. BOYD
BROOKS D. BRADEN
JOSHUA F. BRADSTREET
JERAMY W. BRADY
ROBERT K. BRADY
JOEL P. BRANIECKI
THOMAS J. BRANNAN
BRIAN J. BRODERICK
JOHN N. BROGDON
AARON J. BROOKS
ROBERT B. BROWN
WARREN J. BRUCE
CHARLES B. BUCKLEY, JR.
JEREMY L. BUCKWALTER
JONAS L. BURING
RICHARD D. BURKETT, JR.
GARTH W. BURNETT
MARK E. BURRELL
PATRICK J. BUTLER
FRANCISCO A. CACERES
DONALD A. CAETANO
NATHAN B. CAHOON
MICHAEL C. CALLAGHAN
TROY D. CALLAHAN
DOUGLAS T. CAMPBELL
KEVIN A. CAMPBELL
JOSEPH O. CAMPOMANES
BETH S. CANEPA
CHRISTOPHER J. CANNON
CHAD J. CARBONE
BRIAN P. CAREY
MICHAEL G. CARLE
TRISHA D. CARPENTER
DOUGLAS A. CARR
MICHAEL J. CARRASQUILLA
MISCA T. CARTWRIGHT
PATRICK CAZE
BENJAMIN A. CHAMBERLIN
JOJO CHAMES
JENNIFER K. CHANCY
CHRIS E. CHARLES
BRIAN P. CHASE
RYAN A. CHERRY
ANTHONY P. CHING
BRIAN R. CHONTOSH
JOHN M. CISCO
CHRISTOPHER L. CLAFLIN
CAMERON F. CLARK
ROSA A. CLARKE
EDMUND G. CLAYTON
BRIAN N. CLIFTON
SCOTT A. CLIPPINGER
NEIL M. CLONTZ
BENJAMIN I. CLOSS
DOUGLAS J. COBB, JR.
GARY L. COBB

TEDDY R. COLEGATE
BRAD W. COLLINS
CLINTON J. COLLINS
JEFFREY H. COLLINS
PATRICK B. COLLINS
JAMES R. COMPTON
FREDERICK A. CONGDON
JON P. CONNOLLY
JEREMY L. CONRAD
PAUL J. CORCORAN
JEFFERY N. COSTA
CRISTON W. COX, JR.
GARY D. COX, JR.
WILLIAM C. COX
STEVEN L. CRAIG
SETH J. CRAWFORD
KEVIN A. CRESPO
HERSCHEL J. CRINER III
SEAN E. CRITTENDEN
MICHAEL A. CRIVELLO
MATTHEW R. CROUCH
ROMEO P. CUBAS
DOUGLAS R. CULLINS
THOMAS J. CUNNINGHAM III
MATTHEW J. DAGOSTINO
DENNIS B. DALTON
SCOTT E. DANIELSON
MATTHEW C. DANNER
BENJAMIN M. DAVENPORT
MICHAEL R. DAVIDGE
ALBERTA DAVIS
ROBERT M. DAVIS
BENJAMIN J. DEBARDELEBEN
BRYON S. DECASTRO
ARTHUR G. DECOTIIS, JR.
LISA A. DEITLE
JOEL A. DELUCA
ANTONIO DEMARCO
DANA S. DEMER
GERARD C. DEMPSTER
SUZANNE M. DENAULT
JONATHAN A. DEROSIER
JAMES C. DERRICK
VARPAS S. DESAPEREIRA
DARYL L. DESIMONE
MATTHEW S. DESMOND
STEVEN R. DESROSIERS
JOHN M. DIAZ
JOSUE M. DIAZ
ROBERT P. DICKINSON
DIRK R. DIENER
FRANK E. DILLBECK
JOHN Q. DINH
DEREK L. DIVINE
WILLIAM P. DOBBINS III
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CRAIG T. DOUGLAS
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AARON S. DUESING
JAMES J. DUNPHY
STEVEN J. EASTIN
JASON W. EDHOLM
JASON M. EHRET
JOHN D. ELMS
PETER B. ELTRINGHAM
MATTHEW S. EMBORSKY
BRYAN A. EOVITO
JASON T. ERBECKER
ABEL ESPINOSA
RICCO A. ESPINOZA
JEAN P. EXANTUS
JOHN A. FABBRI
BRIAN M. FAUSETT
ISTVAN P. FEHER
FOSTER C. FERGUSON
BRADLEY G. FESSLER
ANTHONY J. FIACCO
JASON A. FILOS
CLAY T. FIMIANI
DOUGLAS Y. FINN
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RYAN P. FLANAGAN
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IAN C. FLETCHER
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MONTY J. FONTENOT
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MORINA D. FOSTER
MARK C. FOWLER
MARY C. FOWLIE
JAMISEN L. FOX
SHARON U. FRANCO
JASON D. FRANZ
JOSHUA T. FRASER
FRANKLIN H. FREEMAN
CHRISTOPHER J. FROUDE
JOSE L. FUENTES
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STEVEN J. GASPER, JR.
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MICHAEL G. GEHRKI
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ANDREW C. GONZALEZ
KEVIN J. GOODWIN
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DAVID J. GUSTAFSON
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MICHAEL L. HALLIGAN II
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OWEN HARLEMAN
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JOHN E. HARRIS III
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MATTHEW C. HAWKINS
CHARLES E. HAWTHORNE, JR.
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FILIP E. HEIST
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FORREST W. HOOVER III
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AUGUST R. IMMEL
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MATTHEW T. JAMES
DAVID A. JANSEN
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MICHAEL S. JOHNSON
NICHOLAS D. JOHNSON
STEVEN C. JOHNSON
ANTHONY C. JOHNSTON
CHARLES C. JONES
JASON R. JONES
KENNETH M. JONES
WILLIAM R. JONES
MICHAEL J. KANSTEINER
MICHAEL A. KAPPELMANN
ALLEN J. KASHUBA
JASON P. KAUFMANN
SRIDHAR B. KAZA
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BEVIN J. KEEN
PAUL B. KEENER
ERIC J. KEITH
HERMAN C. KEMP
MICHAEL R. KENDRICK
JOHN J. KENNELEY
JONATHAN Q. KENNEY
RORY D. KENT
ZENON W. KESKE
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KYLE R. KILIAN
MARSHALEE E. KING
TRENT C. KINGERY
CHRISTOPHER N. KINSEY
TARA J. KIPFER
PHILLIP E. KIRKMAN
CHRISTOPHER J. KLEMKO
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CHRISTOPHER M. KRAHULEC
KORVIN S. KRAICS
ERIC M. KROSS
JOHN D. KRYSA
DAVID W. KUMMER, JR.
JASON M. KUT
JI Y. KWON
DANIEL C. LAMMERS
BRIAN T. LAURENCE
DAVID F. LAWRENCE
JOHN K. LE
WYLAND F. LEADBETTER III
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ANDY R. LEE
CEDRIC N. LEE
JEREMY E. LEE
YONG J. LEE
ERIK LEIN
TYLER D. LEONARD
ARIC C. LIBERMAN
JEFFREY R. LIEBENGUTH
PATRICK F. LIENEWEG
ERNEST C. LINCOLN
ROBERT E. LINGLER
DUANE LIPTAK, JR.
AARON C. LLOYD
JOHN E. LOGAN III
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LINDA D. LONG
MICHAEL G. LONG
DAVID M. LOVEDAY
LAWRENCE M. LOWMAN II
DAVID R. LUBER
JASON S. LUCERO
JOSEPH T. LUDICK
MATTHEW D. LUNDGREN
SEAN J. LYNCH
SETH W. MACCUTCHEON
STEPHEN P. MACKEY
BART E. MACMANUS
JOHN C. MACMURRAY
CLIFFORD S. MAGEE
ROGER T. MAHAR
DAVID M. MANIMTIM
PETER A. MANTUANO
JEFFREY T. MARANTETTE
ELIO F. MARCILLOMUNOZ
ADRIAN T. MARINEZ
MATTHEW A. MARKHAM
MATTHEW J. MARKHAM
ERIC D. MARSHALL
GRIFFITH M. MARSHALL
PAULA D. MARSHALL
JASON T. MARTIN
JOEY S. MARTIN
MATTHEW J. MARTIN
PATRICK C. MARVIL
WILLIAM J. MATORY
TROY P. MATTERN
MITCHELL T. MAURY
MICHAEL L. MAYNE
COREY A. MAZYCK
CHRISTOPHER A. MCALLISTER
CHRISTOPHER B. MCARTHUR
DANIEL C. MCBRIDE
GLENN E. MCCARTAN
ROBERT G. MCCARTHY III
SEAN P. MCCARTHY
MARK A. MCCAULEY
KELLY A. MCCONNELL
MICHAEL J. MCCOY
MATTHEW F. MCDONALD
IAN K. MCDUFFIE
MICHAEL P. MCFERRON
SARA E. MCGRATH
CHRISTOPHER P. MCGUIRE
KENNETH A. MCKEAN, JR.
MICHAEL W. MCKENNEY
MATTHEW J. MCKINNEY
ROBERT M. MCLELLAN
CHARLES C. MCLEOD, JR.
JASON MCMANIGLE
BOYD R. MCMURTREY
ERIC A. MEADOR
RICARDO A. MEDAL
DONALD H. MEEK, JR.
FERNANDO MELENDEZ
MARCOS A. MELENDEZ III
MICHAEL J. MENDIETA
TAUNJA M. MENKE
SEAN M. MERLIN
RONNIE D. MICHAEL
DANIEL W. MICKLIS
MICHAEL P. MILBURN
JONPAUL MILLER
KASEY C. MILLER
MATTHEW S. MILLER
SEAN D. MILLER
ANDREW H. MILLS
BRETT C. MINER
MARK T. MITCHELL
SEAN P. MITZEL
TIMOTHY W. MIX
BRIAN L. MIZE
JEFFREY M. MONAGHAN
THOMAS B. MONDOUX
ERIC D. MONTALVO
VINCENT M. MONTGOMERY
TYLER J. MOORE
SERGE P. MOROSOFF
STEPHEN D. MORRISON
JOSEPH E. MOYE
HOWARD MUI
SEAN P. MULLEN
MICHAEL K. MULLINS
MATTHEW K. MULVEY
MANUEL F. MUNOZ
JOHN P. MUNTZER
CHRISTOPHER J. MURPHY
CORRY P. MURPHY
DANIEL M. MURPHY

JAMIE P. MURPHY
MARK E. MURPHY
ROBERT P. MURPHY, JR.
MATTHEW R. MURRAY
JASON N. MYERS
ROBERT N. MYERS, JR.
DAVID M. NAEHER
EUGENE F. NAGY
JOHN M. NASH VII
EDWARD N. NASTASE
DOMINIQUE B. NEAL
STUART T. NEAS
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JONATHAN N. NELSON
JOSHUA H. NELSON
MICHAEL A. NELSON
THAI N. NGUYEN
MATTHEW S. NICHOLS
CHRIS L. NICHOLSON
ROY J. NICKA
MATTHEW A. NIELAND
DEREK C. NIELSEN
DANIEL M. NOLAN
JOHN P. NORMAN
TODD A. OBRIEN
KENNETH J. OCONNOR, JR.
DENNIS ODONNELL
MATTHEW M. ODONNELL
JONATHAN M. OGORMAN
DEREK J. OLIVER
TODD B. OPALSKI
ERIK V. ORIENT
JUAN A. OROZCO
DAVID M. ORTIZ
JEREMY P. OSBORNE
WILLIAM V. OSBORNE III
JAMES P. OSULLIVAN
NEIL E. OSWALD
JENNY A. OUELLETTE
TEGAN K. OWEN
STEVEN A. PACHECO, JR.
JAVIER PALOMO
CHRISTIAN C. PAPPAS
EDELEN A. PARKER
JENNIFER S. PARKER
JOHN B. PARKER
JOSEPH G. PARKER
KRISTOPHER L. PARKER
THOMAS D. PARMITER
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STEPHEN T. PEARSON
WILLIAM F. PELLETIER III
JEFFREY S. PELT
AMOS J. PERKINS III
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ERIK A. PETERSON
JOHN E. PETERSON
ATIIM O. PHILLIPS
TYLER L. PHIPPS
ROBERT A. PIAGENTINI, JR.
DAVID K. PIDGEON
KRISTEN M. PIRTTINEN
CHARLES T. POLLOK II
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RYAN C. POPE
JOSEPH J. PORRAZZO, JR.
MISTY J. POSEY
DAVID L. POULERIS
JOHN A. PRATHER
MICHAEL W. PRETUS
CHARLES A. PRIDDY
HENRY R. PROKOP
JACOB L. PURDON
JAMES N. PUTNAM III
JASON P. QUINTER
ANTHONY J R. QUITUGUA
CHRISTOPHER E. RABASSI
MICHAEL A. RADYNSKI
MICHAEL E. RAIFF
BILLY H. RAMSEY
ALEX J. RAMTHUN
JOSHUA J. RANDALL
ADAM D. RANSON
RICHARD A. RASMUSSEN
JONATHAN D. RAYMOND
CHRISTOPHER J. REHWALDT
CHARLES P. REICHE, JR.
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CAMERON M. RENNER
GLEN J. REUKEMA
CHRISTOPHER M. REYNOLDS
JARET R. RHINEHART
BOBBY R. RHODES
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ABIGAIL M. RICHMOND
TIMOTHY R. RICHMOND
ANTHONY C. RICKMAN
ANNA M. RILEA
ANDREW F. RILEY
RUBEN S. RILLOS
JASON D. ROACH
CHAD E. ROBERTS
HOWARD L. ROBERTS
JASON K. ROBERTS
CHRISTIAN M. ROBERTSON
JACOB Q. ROBINSON
DARREN M. ROCK
BRIAN L. ROCKEL
MICHAEL J. ROD
EDNA RODRIGUEZ
RODNEY C. RODRIGUEZ
ERIC Q. ROSE
MARCUS V. ROSSI
CHRISTOPHER P. ROY
LOU H. ROYER
MITCHELL F. RUBINSTEIN
NEIL A. RUGGIERO
PETER M. RUMMLER
ANDREW A. RUNDLE
FRANK C. RUNDUS
KEVIN L. RUSCH
KEVIN M. RYAN
WILLIAM J. RYAN III
MICHAEL J. SADDLER
DONOVAN J. SALERNO
TODD M. SANDERS
ERIC SANTHUFF
BRIAN P. SANTUCCI
RYAN B. SATHER
MARK F. SCHAEFER
RICHARD R. SCHELLHAAS
JACKIE L. SCHILLER II
RYAN A. SCHILLER
WILLIAM R. SCHMIDT
ZACHERY M. SCHNEIDER
ANDREW J. SCHOENMAKER
STEVEN M. SCHREIBER
AARON J. SCHWARTZ
JAMES P. SCONFIETTI III
JON C. SEE
WILLIAM G. SEELMANN, JR.
MARCO D. SERNA
RYAN C. SHAFFER
JASON A. SHARP
DALLAS E. SHAW, JR.
KEVIN A. SHEA
RYAN D. SHEA
SEAN M. SHEA
DAVID M. SHEARMAN
GARY A. SHILL
DAVID A. SHIPLEY
JASON R. SHOCKEY
KYLE B. SHOOP
GEOFFREY S. SHOWS
ERIK T. SIEGEL
ANDREW J. SIMMONS
THOMAS M. SIVERTS
KEVIN W. SKENE
WILLIAM G. SLACK
DEVIN A. SMILEY
MARK A. SMITH
RANDALL W. SMITH
WILLIAM R. SMITH
TEMITOPE O. SONGONUGA
JEREMY T. SOULE
JEFFREY T. SPEEDY
AMMIN K. SPENCER
THOMAS D. SPRADLIN
ERIK T. SPRAGUE
JESS K. SPRINGFIELD
KIRK SRIPINYO
SCOTT A. STAHL
GREGORY STARACE
STEPHEN A. STARR
MATTHEW L. STEELE
RICHARD R. STEELE
DAWN M. STEINBERG
SCOTT E. STEPHAN
WILLIAM G. STEUBER
BRENT W. STEVENS
LATRESA A. STEWARD
KEVIN M. STOFFELL
JASON R. STOJKA
ROBERT M. STORCK
JEROME A. STOVALL
JOSHUA D. STRAND
MARK A. STRATTON
BRENT W. STRICKER
JAMES I. STRICKLER
MARK W. STROM
PAUL D. STUBBS
SHAWN C. STUDLEY
BRENDAN P. SULLIVAN
JUAN P. SVENNINGSEN
GREGORY T. SWARTHOUT
JEFFREY M. SYKES
ALLEN E. SZCZEPEK, JR.
KEVIN J. SZEPE
SPENCER A. SZEWCZYK
ANIELA K. SZYMANSKI
PHILIP J. TADENA
KOICHI TAKAGI
BENJAMIN J. TAYLOR
CASEY L. TAYLOR
TIMOTHY S. TAYLOR
JOHN J. TEBBETTS
STEPHEN W. THEBERGE
BRANDON K. THOMAS
CHRISTOPHER J. THOMAS
DANIEL J. THOMAS
GRAHAM E. THOMAS
SEA S. THOMAS
FARRAH M. THOMPSON
HARRY K. THOMPSON, JR.
ARTHUR J. THORNTON
FLETCHER C. TIDWELL
KEITH P. TIGHE
DAVID F. TOLAR
TIMOTHY L. TORMEY
DAMON M. TORRES
GILBERTO TREJO, JR.
MATTHEW A. TREPTOW
NATALIE M. TROGUS
ANDREW M. TURNER
DAVID A. TURNER
RUSSELL A. TUTEN
PHILIP A. TWEED
CHAD L. ULRICH
RODOLFO S. URIOSTEGUI
STEVE URREA
JAMES R. UWINS
DILLON D. VADEN
JAMES R. VALLARIO
PAUL L. VANDERWATER
BRADLEY J. VANSLYKE
DAVID P. VAUGHAN, JR.
WILLIAM L. VAUGHAN, JR.
CHRISTIAN R. VELASCO
MATTHEW L. VOGT
MICHAEL P. VOLMER
JASON T. VRABLE
DENNIS C. WAIT
KAREN M. WALKER
WILLIAM F. WALKER
SEAN R. WALSH
ERIC J. WALTHER
WILLIAM L. WARD
LUKE T. WATSON
HUGH D. WEAVER
DALE H. WEBSTER
MARK B. WEINRICH
KEEGAN J. WELCH
SCOTT F. WELCH
SEAN T. WELCH
RYAN D. WELKEN
MICHAEL A. WELSCH
NICHOLAS J. WESSMAN
MARVIN T. WHITE
BRANDON L. WHITFIELD
BRIAN B. WILCOX
ANA C. WILLIAMS
ANTONIO V. WILLIAMS
MALCOLM A. WILLIAMS
ERIC J. WILLIAMSON
ERIC D. WILSON
NICHOLAS R. WINEMAN
NICOLAS R. WISECARVER
MARK E. WOODARD
JOHN D. WRAY
GREGORY D. WRIGHT
KHARI C. WRIGHT
JACK Z. WU
JOSEPH T. YAMRICK
PETER B. YOUNG
MARK E. ZARNECKI
ANTHONY E. ZINNI
MATTHEW P. ZUMMO
JANHENDRIK C. ZURLIPPE
ROBERT B. ZWAYER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HARALD AAGAARD
MARC A. ALEXANDER
DAVID C. ANDERSON
RICHARD T. ANDERSON
KARL R. ARBOGAST
VIRGILIO G. ARCEGA, JR.
VICTOR W. ARGOBRIGHT II
ERIK A. ARRINGTON
ANDREW A. AUSTIN
LARRY A. BAILEY, JR.
THOMAS P. BAJUS II
WILLIAM T. BAKER
AISHA M. BAKKAR
WESLEY T. BANE
DAVID G. BARDORF
STEPHEN D. BATES
JASON A. BELL
AARON E. BENNETT
DANIEL G. BENZ
ANDREW J. BERGEN
JOHN J. BERGERON
DAVID R. BERKE
DAMIAN A. BESS
WAYNE R. BEYER, JR.
NED M. BIEHL
CAROLYN D. BIRD
FRED W. BISTA III
THOMAS J. BLACKWELL
KEITH R. BLAKELY
PATRICK R. BLANCHARD
DAVID M. BLANKENSHIP
RICHARD A. BOGIN
JACK G. BOLTON
CHRISTOPHER J. BONIFACE
MICHAEL A. BOORSTEIN
PARRISH M. BOULWARE
GILES R. BOYCE
DARREN S. BOYD
JESSICA M. BRADLEY
KENNETH L. BRIGGS
ROBERT B. BRODIE
PHILLIP V. BROOKING
MICHAEL A. BROOKS, JR.
DEREK J. BROSTEK
DAREN L. BROWN
LARRY G. BROWN
BRIAN T. BRUGGEMAN
MICHAEL D. BRYAN
ALVIN BRYANT, JR.
DUNCAN J. BUCHANAN
KEITH E. BURKEPILE
TIMOTHY G. BURTON
MICHAEL J. BYRNE
CHRISTOPHER T. CABLE
THOMAS H. CAMPBELL III
EDWARD T. CARD, JR.
KEVIN T. CARLISLE
DANIEL P. CARLSON
WILLIAM P. CARROLL
SEAN M. CARY
ROBERT T. CASTRO
HENRY CENTENO, JR.
JEROME J. CHANDLER

SEAN S. CHARNEY
FRANCIS K. CHAWK III
ROBERT R. CHESHIRE
VINCENT J. CIUCCOLI
RONALD J. CLARK
DARIN J. CLARKE
MARK H. CLINGAN
ERIC D. CLOUTIER
ERIK E. COBHAM
MICHAEL R. COLETTA
BRIAN C. COLLINS
SEAN C. COLLINS
JESSE C. CONSTANTE
MARK S. COPPESS
BRYAN C. CORCORAN
LEE A. CRACKNELL
MITCHELL A. CRIGER
JOSEPH E. CROSS
SHAWN P. CUNNINGHAM
WARREN J. CURRY
HUGH C. CURTRIGHT IV
CHRISTOPHER H. DALTON
GEORGE J. DAVID
VAN M. DAVIDSON III
EDWARD J. DEBISH
JOSEPH K. DECAPITE
DWIGHT E. DEJONG
JOSEPH E. DELANEY
STEVEN J. DELAZARO
CHRISTOPHER F. DELONG
DOUGLAS L. DEWITT
GEORGE W. DICKEY, JR.
ROSWELL V. DIXON
CHARLES B. DOCKERY
JONATHAN M. DONIGAN
SIMON M. DORAN
MICHAEL J. DOUGHERTY
LANCE A. DOWD, JR.
CHRISTOPHER G. DOWNS
JASON C. DRAKE
TIMOTHY R. DREMANN
ALFREDO DUBOIS
MICHAEL S. DUCAR
JONATHAN P. DUNNE
BRIAN P. DUPLESSIS
TOBY G. DYER
DOUGLAS S. DYSON
ANDREW C. EANNIELLO
JAY M. EGLOFF
STACY L. EIBEN
EDWARD J. EIBERT, JR.
RANDAL S. ENGBERG
PETER J. EPTON
MICHAEL R. ERCOLANO III
MATTHEW W. ERICKSON
GABRIEL J. FABBRI
DAVID M. FALLON
TYRONE H. FERREL
JOHN M. FIELD
WALKER M. FIELD
SHAUN M. FITZSIMMONS
GREGORY P. FLAHERTY
SETH W. FOLSOM
BRIAN W. FOSTER
LEON J. FRANCIS
TYRONE R. FRANKLIN
ANTHONY N. FRASCO
CHRISTOPHER M. FREY
FRIDRIK FRIDRIKSSON
ADOLFO GARCIA, JR.
DENISE M. GARCIA
ERIC GARCIA
SEAN B. GARICK
WENDY S. GARRITY
JEFFREY W. GARZA
JOSHUA K. GELERTER
DANA A. GEMMINGEN
DAVID S. GIBBS
JOSEPH C. GIGLIOTTI
ALLEN L. GILBERT
BRIAN S. GILDEN
BRIAN L. GILMAN
KEVIN D. GLATHAR
RUFINO H. GOMEZ
BRUCE D. GORDON
KURT I. GORDON
THOMAS D. GORE
RONALD S. GOUKER
RYAN G. GOULETTE
WILLIAM C. GRAY
BARTT G. GREENE
KIRK A. GREINER
KRISTINA K. GRIFFIN
ALLEN D. GRINALDS
BRADLEY G. GROSVENOR
GREGORY L. GRUNWALD
PAUL GULBRANDSEN
RYAN R. GUTZWILLER
JOHN M. HACKEL
CHARLES C. HALE
HOWARD F. HALL
ROBERT J. HALLETT
JAMES G. HAMILL
JEFFREY C. HANIFORD
JARED J. HANSBROUGH
DOUGLAS HARDY
JAMES A. HARRIS IV
BRETT A. HART
DENNIS J. HART
EDWARD B. HASTINGS
BRIAN C. HAWKINS
MARK D. HAWKINS
MAURA M. HENNIGAN
JAMES C. HERRERA
STEVEN J. HIMELSPACH
ERIC HIMLER
BRADEN W. HISEY
GARRETT R. HOFFMAN
RANDALL S. HOFFMAN
JASON T. HOLDEN
JAY M. HOLTERMANN
TRAVIS L. HOMIAK
SAMUEL K. HOWARD
MATTHEW F. HOWES
CHRISTOPHER D. HRUDKA
DAVID W. HUDSPETH
NICOLE K. HUDSPETH
SHAWN J. HUGHES
LAWRENCE K. HUSSEY
CLAUDE O. HUTTON, JR.
ADAM E. HYAMS
LANCE A. JACKOLA
BETHANY D. JENKINS
LARRY M. JENKINS, JR.
DANNY L. JOHNSON
ERIC S. JOHNSON
KARL E. JOHNSON
MICHAEL H. JOHNSON
SCOTT R. JOHNSON
TERRY M. JOHNSON
JOSEPH W. JONES
MICHAEL A. JUENGER
DAVID A. KALINSKE
ROBERT A. KAMINSKI
BRIAN H. KANE
STEPHEN F. KEANE
GERALD W. KEARNEY, JR.
THOMAS D. KEATING
JASON T. KEEFER
HUNTER R. KELLOGG
LYLE R. KENDOLL
MATTHEW J. KENT
SEAN C. KILLEEN
THOMAS T. KING
KARL K. KNAPP
BRENT A. KNIPPENBERG
ERIC J. KNOWLTON
KEITH F. KOPETS
THOMAS G. LACROIX
GEORGE LAMBERT
MICHAEL L. LANDREE
TROY D. LANDRY
DANIEL L. LANG
JONATHAN E. LANGLOIS
CHRISTOPHER J. LAUER
STEPHEN J. LAVELLE
KENNETH G. LEE
CRAIG C. LEFLORE
THOMAS A. LENHARDT
GLEN A. LEWIS
STEPHEN J. LIGHTFOOT
GORDON J. LIMB
MARK A. LIST
THOMAS S. LITTLE II
FERDINAND F. LLANTERO
GARY J. LOBERG
DAVID W. LOCKNER
BART W. LOGUE
CHARLES M. LONG, JR.
ERIK C. LOQUIST
NICHOLAS J. LOURIAN
WILLIAM A. LOVEWELL
DOUGLAS G. LUCCIO
BENJAMIN J. LUCIANO
SCOTT J. LUCKIE
CHRISTOPHER G. MADELINE
WAYNE K. MAGRISI
ROBERT K. MALDONADO
EUGENE A. MAMAJEK, JR.
GREGORY MARCHLINSKI
GEORGE W. MARKERT V
MARIA A. MARTE
MICHAEL J. MARTIN
VINCE R. MARTINEZ
AARON C. MARX
KEVIN J. MASSETT
RICHARD P. MATYSKIELA
PETER MCALEER
PETER L. MCARDLE
BRIAN G. MCAVOY
JAMES P. MCDONOUGH III
JASON S. MCFARLAND
RONALD H. MCLAUGHLIN
CARL L. MCLEOD
DANIEL J. MCMICHAEL
MICHAEL E. MCWILLIAMS
JAMES E. MEEK
PAUL M. MELCHIOR
JASON D. MERKER
PETER M. MEYER
RICARDO MIAGANY
CARL W. MILLER III
GORDON D. MILLER
MICHAEL T. MILLER
PAUL W. MILLER
TIMOTHY P. MILLER
JOHN E. MING
TIMOTHY B. MISSLER
JOSEPH F. MOFFATT III
IVAN I. MONCLOVA
MARTY A. MOORE
JEFFERY M. MORGAN
MATTHEW W. MORGAN
MICHAEL D. MORI
DAVID C. MORRIS
JAMES D. MOSELEY
CHARLES J. MOSES
MATTHEW T. MOWERY
KIRK D. MULLINS
MICHAEL B. MULLINS
BRENDAN S. MULVANEY
MICHAEL J. MURCHISON
NEIL F. MURPHY, JR.
ADAM L. MUSOFF
LEONARD E. NEAL
STEPHEN L. NEWSOME
KEVIN A. NORTON
KIRK D. NOTHELFER
TILEY R. NUNNINK
CHRISTOPHER H. OLIVER
ERIC R. OLSON
KEVIN T OROURKE
THOMAS F. OSTERHOUDT
RUSSELL W. PARKER
KEITH A. PARRY
SEAN W. PASCOLI
SEAN P. PATAK
MARK P. PATTERSON
JEFFREY M. PAVELKO
JOHN G. PAYNE, JR.
TODD R. PEERY
MICHAEL J. PELAK
JEFFREY P. PELLEGRINO
MICHAEL J. PEREZ
JACK D. PERRIN
BRIAN R. PETERSON
ERIC J. PETERSON
ADIN M. PFEUFFER
MATTHEW H. PHARES
DAVID M. PHILLIPPI
ROBERT C. PIDDOCK
GREGORY T. POLAND
KATHERINE I. POLEVITZKY
ANTHONY G. PORTER
JOEL P. POUDRIER
MICHAEL J. POWELL
TRAVIS L. POWERS
JASON M. PRATT
BRIAN C. PROCTOR
MICHAEL B. PROSSER
RANDOLPH G. PUGH
GREGORY T. PUNTNEY
ERIC R. QUEHL
INNES QUIROZ
CHRISTIAN M. RANKIN
KYLE G. RASH
JOSEPH D. REEDY III
GARY R. REIDENBACH
BRENT C. REIFFER
JUSTIN R. REIMAN
MARK S. REVOR
GREGORY F. RHODEN
EDWIN R. RICH II
CHRISTIAN D. RICHARDSON
MICHAEL M. RICHMAN
BRET H. RITTERBY
RALPH J. RIZZO, JR.
CHRISTOPHER C. ROBINSON
SCOTT A. ROBINSON
JOHN H. ROCHFORD II
CHRISTOPHER W. ROE
GARY T. ROESTI
KEVIN C. ROSEN
BRIAN A. ROSS
JEFFREY A. ROTHSTEIN
JOHN D. ROUNTREE
ROBERT V. RUBIO
JOSEPH E. RUPP
NATHAN M. RUSH
PHILLIP D. SANCHEZ
KENNETH M. SANDLER
REX W. SAPPENFIELD
WILLIAM R. SAUERLAND, JR.
DOUGLAS G. SCHAFFER
JOHN L. SCHAURES
PHILLIP J. SCHENDLER
BYRON L. SCHLATHER
KEVIN A. SCHLEGEL
RICHARD J. SCHMIDT
DANIEL A. SCHMITT
TIMOTHY L. SCHNEIDER
GEORGE C. SCHREFFLER III
BRYNN H. SCHREINER
RAYMOND J. SCHREINER
MARK R. SCHROEDER
CRAIG R. SCHWETJE
JEFFREY P. SCOFIELD
JEFFREY B. SCOTT
MATTHEW R. SEAY
ANTHONY T. SERMARINI
JOEL V. SEWELL
PATRICK S. SEYBOLD
CHRISTOPHER B. SHAW
MATTHEW R. SHENBERGER
TIMOTHY A. SHEYDA
MATTHEW C. SHORTAL
BRYAN W. SIMMONS
BRIAN D. SIMON
PATRICK E. SIMON
THOMAS K. SIMPERS
BRIAN C. SMITH, JR.
DOUGLAS W. SMITH
SINCLAIR D. SMITH
BLAIR J. SOKOL
THOMAS M. SONGSTER II
JOHN W. SPAID
WILLIAM R. SPEIGLE II
DANIEL N. SPRENKLE, JR.
WILLIE M. STANSELL III
TIMOTHY STEFANICK
KIMBERLY A. STEPHENS
THOMAS S. STEPHENS, JR.
JEFFREY J. STOWER
ROBERT E. STPETER
ANDREW J. STRALEY
KURT A. STRANGE
MICHAEL S. STYSKAL
EDWARD R. SULLIVAN
JOHN P. SULLIVAN, JR.
CHRISTOPHER S. SUTTON
ROBERT T. SWEGINNIS

JONATHAN S. SWOPE
JEFFREY A. SYMONS
GLENN K. TAKABAYASHI
RODNEY R. TATUM, JR.
MATTHEW J. TAYLOR
STACEY L. TAYLOR
GEOFFREY T. TETTERTON
TYRONE P. THERIOT
CHRISTOPHER J. THIELEMANN
ALISON J. THOMPSON
CHRISTOPHER G. TOLAR
DONALD J. TOMICH
JONATHON A. TONEY
BRADLEY S. TRAGER
SCOTT B. TRAIL
KEVIN C. TRIMBLE
PATRICK M. TUCKER
JOON H. UM
CARLOS A. VALLEJO
DAVID T. VANBENNEKUM
JEFFREY A. VANDAVEER
JOHN T. VAUGHAN
NICHOLAS P. VAVICH
SCOTT W. VOGT
SCOTT W. WADLE
EVAN R. WAHL
DAVID C. WALLIS III
BENNETT W. WALSH
GILBERT A. WARNER
CLARK E. WATSON
AARON D. WEISS
STEPHAN F. WHITEHEAD
JAMES S. WHITEKER
BYRON T. WIEDEMAN
WADE E. WIEGEL
JOHN J. WIENER
CRAIG W. WIGGERS
GEORGE A. WILLIAMS
KEVIN A. WILLIAMS
VERNON J. WILLIAMS
AHMED T. WILLIAMSON
ROBERT A. WINSTON
ROBERT L. WISER
ARTHUR J. WOODS
DONALD R. WRIGHT
GREGORY A. WYNN
VINCENT J. YASAKI
ERIC K. YINGST, JR.
SETH E. YOST
MARK W. ZIPSIE

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROSKAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act of Fiscal Year 2009.

As I have stated on the floor previously, I am a true believer in the need for increased transparency through the earmark process—whether in appropriations, authorizing or tax-writing legislation. It is important that the Illinois taxpayer can judge for themselves the funds that we spend at the federal level.

I appreciate this opportunity to discuss how taxpayer funds are spent in my congressional district. As a Member of Congress I was elected to this body to fight for the needs of my constituents.

My constituents elected me to Congress because I am serious about accountability and transparency in the budget process. I take a deliberative approach to project requests to ensure that any request with my name on it is worthy of federal funding. The key ingredients I look for in any project are job creation, opportunities to support Illinois' efforts in keeping us globally competitive, a guarantee that the project will not rely solely on federal funding and can instead become viable in the private sector.

Most important to me is to ensure taxpayer dollars are returned back to my constituents, who pay more to the federal government than they get back in government funded projects. Illinois taxpayers receive less federal funding per dollar of federal taxes paid compared to almost any state in the country. In 2005, Illinois citizens received only $.75 in the way of federal spending per dollar of federal taxes paid. This ranks the state 45th nationally and highlights the importance of my work to advocate for the priorities of my constituents on the federal level.

This is why I stand here today to advocate for the following projects I have secured in H.R. 1105, the Omnibus Appropriations Act of FY09:

FY09 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Congressman PETER J. ROSKAM (IL–6)

Department of Justice, OJP Byrne Discretional Grants—$50,000 for Advocate Good Samaritan Hospital's Preventing and Addressing Domestic Violence Program (3815 Highland Avenue, Downers Grove, IL 60515)

With the growing numbers of reported domestic violence in DuPage County and throughout Illinois' 6th Congressional District, Advocate Good Samaritan seeks to strengthen and expand its current domestic violence program to ensure that both current and expected needs are met.

One in three American women is abused at some point in her life by an intimate partner. Domestic violence creates multiple health problems among victims and causes 100,000 days of hospitalization and 30,000 Emergency Room visits annually. With such startling statistics, Advocate Good Samaritan has teamed up with the Downers Grove Police Department to move forward on a comprehensive approach to addressing domestic violence in the community.

The federal funds I have obtained will be utilized to expand the successful partnership by providing internal education and debriefing/consultation on domestic violence cases in order to increase awareness. This funding will allow Advocate Good Samaritan to provide customized trainings internally within Advocate (including parish nurses) and to local agencies which serve as strategic points of entry (emergency departments, local police departments, and faith-based organizations). This will increase its outreach efforts to community organizations, including a major focus on large corporations in the community and the training employers to recognize and work with employees who may be victims of domestic violence. Other plans of expansion include an expanding website, a regional domestic violence awareness program, and purchase and distribution of educational materials to increase awareness among and educate the public about domestic violence. Along with matching funds from the hospital of $25,000, Advocate will also be able to leverage its involvement in the Corporate Alliance to End Partner Violence for additional funds.

Congressman PETER J. ROSKAM (IL–6)

Department of Justice, COPS Law Enforcement Technology—$200,000 for the DuPage County Sheriff's Department (501 N. County Farm Road, Wheaton, IL 60187)

One of the lessons learned from the tragedy of September 11th was the inability of first responders and public safety agencies to communicate. To meet the requirements of the National Telecommunications & Information Administration, the State of Illinois is in the process of implementing a statewide interoperable radio system (STARCOM21). Subsequently, the DuPage County Emergency Telephone System Board (ETSB) awarded a contract based on the state bid to purchase the interoperable radio equipment for public safety agencies in DuPage County.

In recent years, DuPage County has experienced a number of natural disasters including tornados, floods and last August, a major storm that cut a swath across the entire county impairing first responder communication among municipal police, fire agencies and other public safety agencies and hampering rescue efforts. Over 8,000 9-1-1 calls were received during the storm.

Chicago and O'Hare International Airport are located at the northeast border of DuPage County and it is vital for DuPage County police and fire agencies to communicate via radio with Cook County and Chicago in the event of a major urban or terrorists' threat at O'Hare or in Chicago. A radio system connected to STARCOM21 will enable regional communication.

The objective of the ETSB project is to provide 6,000 users (first responders, police, fire, homeland security & public works) with a seamless 700–800MHz interoperable radio platform throughout the county and the state via STARCOM21. Each participant in the ETSB (which includes DuPage and portions of Cook, Kane & Will Counties) is required to purchase their own radios (6,000 countywide) under this new system at a cost of $5,213 per radio.

To Federal funds obtained for this entity will be used to purchase 40 radios for municipalities in DuPage County that will be compatible with the new statewide interoperable radio system (STARCOM21). This funding will be leveraged with a state grant DuPage County obtained of $430,000 that will cover the purchase of 83 of the required 411 radios needed. The Sheriff's Office will assume all operations costs of the new radio system and the cost of purchasing the remaining radios.

Congressman PETER J. ROSKAM (IL–6)

Department of Justice, COPS Law Enforcement Technology—$75,000 for the Northern Illinois Police Alarm System (675 Village Court, Glencoe, IL 60022)

The Northern Illinois Police Alarm System (NIPAS) Emergency Services Team (EST) is responsible for law enforcement coverage of 68 member towns with a total population of approximately 1.8 million residents. In 1982, severe flooding nearly devastated several small communities along the shores of Lake Michigan north of Chicago. Public safety resources, especially those of law enforcement agencies, became stretched to the limit. Although neighboring communities responded with assistance, police leaders realized they needed an organized system with pre-planned deployment procedures. The following year, fifteen police agencies in Illinois' northern Cook and southern Lake Counties established NIPAS through an intergovernmental mutual aid agreement. This authorized neighboring agencies to work together in times of need.

Whether faced with a natural disaster, or the unexpected results of a special event, NIPAS member Police Departments may request assistance that is needed when the individual Police Department cannot respond accordingly on its own to an event. They can use NIPAS in three key areas: call for additional patrol cars, call for the NIPAS Mobile Field Force, and call for the NIPAS Emergency Service Team.

Federal funds I have obtained in this bill, along with Representative SCHAKOWSKY (IL–9), will be used for the purchase of atmospheric detection equipment for the NIPAS Emergency Services Team—needed equipment sorely lacking at NIPAS member Police Departments. Atmospheric detection equipment is needed to allow NIPAS law enforcement officers the ability to respond to crimes or other incidents involving hazardous environments, explosive devices, arson materials, and narcotics. Communities in my district whom have advocated a great need for such equipment included Bartlett, Elk Grove Village, Elmhurst, Hanover Park, Mount Prospect, Roselle,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Streamwood, and Villa Park. Funding this one Regional Law Enforcement project will allow 8 Police Departments in IL–6 Police by equipping and training 10 police officers with one Congressional appropriation project. The project will also train and equip additional 71 Police officers outside of my district to respond to mutual aid request for emergency services related to HAZMAT incidents within my district. This mutual aid format response mechanism will save millions of dollars compared to each Police Department trying to deploy its own duplicative and smaller/ineffective (due to the cost of equipment) HAZMAT emergency services team. NIPAS is matching this federal funding with $150,000 of their own money.

Congressman PETER J. ROSKAM (IL–6)

Department of Justice, DJP—Juvenile Justice—$175,000 for the DuPage County Area Project (DuCAP) (2037 Bloomingdale Road, Suite 206, Glendale Heights, IL 60139)

Federal funds I have obtained will be used for DuCAP's Providing Positive Choices for Youth program. This will improve the futures of at-risk youth impacted by gangs and youth violence. Funding will strengthen four existing community-based youth organizations and will create additional community organizations focused on underserved communities in the western suburbs of northern DuPage County. DuCAP has historically been successful in addressing the issues of at-risk youth and their families. DuCAP's track record and experience over the past 18 years has demonstrated that developing and nurturing grassroots, community-based organizations creates stronger, more responsive communities. The residents of these communities can mobilize resources to fill voids in services, and create opportunities for youth engagement, that serve to limit involvement in gangs, youth violence, and substance abuse.

FY09, LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS

Congressman PETER J. ROSKAM (IL–6)

Department of Education, Elementary & Secondary Education (Includes FIE)—$238,000 for the Streamwood High School—School District U–46 (355 East Chicago Street, Elgin, IL 60120)

Federal funding will be utilized for School District U–46 execution and implementation of the Manufacturing Career Exploration project. A 12-week pilot program will be implemented at Streamwood High School and then be expanded to the additional five high schools in the school district.

Manufacturers in the western suburbs of Chicago share a widespread and common need for a skilled workforce, especially for those who want to build careers in manufacturing. Many manufacturers are employing advanced technologists that require a workforce with skills and the ongoing learning and skills upgrades. Firms report that many good potential entry level workers need basic math and English skills. Manufacturers report existing workers and skilled workers shortages. The forecasts indicate that many more jobs will go unfilled in America unless we train our young students now. Good jobs in manufacturing exist but we need a pipeline of students trained to fill these jobs.

The Manufacturing Career Exploration project offers a comprehensive solution in this manufacturing facility heavy area of the country. The skills taught through this program will allow the future U.S. workforce gain the appropriate knowledge required to succeed in the growing advanced manufacturing sector, and more broadly, in the increasingly competitive global economy.

The precision metalworking industry offers a variety of jobs from basic parts layout to computer numerical controlled programmers, from machinist to mangers, from mold makers to engineers, from salesperson to human resource directors, each with its own educational requirements. Regardless of what position it is looking to fill, industry looks for qualified applicants who have a first-hand knowledge of machine tooling. It is for this reason that the need for this task-oriented, problem solving, knowledgeable, worker be developed within a high school curriculum.

The Streamwood Manufacturing Career Exploration has three major objectives:

1. To demonstrate the inter-relatedness of precision metal working, math and communication.

2. To ensure that all students in the Streamwood High School Plan are oriented toward the world of work and higher education.

3. To ensure that all students in The Manufacturing Career Exploration are oriented toward the world of work and higher education.

With no consistent funding available at the Department of Education, these federal funds obtained will be useful in kick starting the program off the ground and allow for continued growth as the program in the future seeks to leverage funds with private industry in the area to keep the program on track.

Congressman PETER J. ROSKAM (IL–6)

Department of Education, Higher Education (Includes FIPSE)—$381,000 for the College of DuPage (425 Fawell Boulevard, Glen Ellyn, IL 60137)

The College of DuPage is looking to be a lead institution in becoming more veteran friendly; working to identify issues and seeking the means to aid veterans in their transition to civilian life. Therefore, the federal funding I have obtained, along with Senator DURBIN (IL), will be utilized to implement curriculum, clinical training and on-going professional development coursework to prepare professionals to counsel returning veterans. This curriculum will include:

Phase I—A certificate for Master's prepared clinicians offered through the College of DuPage Human Services Department.

Phase II—Training of College counseling staff that could assist in the development of a Counseling Center.

Phase III—Faculty conversion of curriculum for online delivery in accordance with accreditation stands of the Human Services Department.

Phase IV—Implementation of the Associate in Applied Science Degree option, which will train students to assist graduate clinicians in the field of Veteran Counseling.

As our military personnel return home, one of the biggest challenges will be to transition the veteran into family life, education, and the workforce. In addition, significant numbers of veterans are returning from Iraq and Afghanistan suffering brain trauma injury and delayed stress syndrome. This program is designed to get ahead of the curve in training professionals who can help the men and women address these needs. The funding will allow a variety of government initiatives to improve, including but not limited to:

Enhance services to ease transition of returning veterans into civilian life

Increase access to education and academic success

Partner with entities for on-going support

Proactively address employment and workforce development needs.

This project supports current federal initiatives specifically addressing the concept of supporting community colleges at a local level to focus on education, job retraining, and helping those who have given so much for our country. The federal funds obtained will allow the College of DuPage to respond to the needs of returning service men and women and the acknowledged shortage of health care workers.

Congressman PETER J. ROSKAM (IL–6)

Department of Health and Human Services, Centers for Disease Control and Prevention—$95,000 for Access Community Health Network's Martin Russo Health Center (245 South Gary Avenue, Suite 200, Bloomingdale, IL 60108)

I have obtained federal funding for the Martin Russo Health Center in my congressional district will be utilized to implement a model community-based heart health program for low income women. This program will offer a continuum of care to address heart disease, including preventative interventions, risk screenings, care management for women with identified risk factors, and cardiology consultation. The specific model to be implemented includes:

Prevention—provide education and address risk through smoking cessation, maintaining a healthy weight and being physically active.

Risk reduction—help women lower their blood pressure and reduce their cholesterol levels.

Care management—provide medical care management for women at risk for a heart attack due to underlying conditions such as congenital heart disease, heart attack and stroke history, diabetes, and hypertension.

Bio-psychosocial approach—screen for and attend to behavioral health conditions, including substance abuse and depression.

Pharmaceutical advocacy—help women develop strategies for obtaining affordable medications, through benefits counseling and leveraging 340B pricing.

Cardiology consultation—offer an integrated continuum of primary medical care and cardiology consultation as needed.

Nowhere in the greater Chicago area is there a one-stop resource that truly welcomes low income women to obtain, under one roof, the full range of education, prevention, risk assessment, medical management and specialty care services. This program has the ability to reduce emergency room abuse by addressing issues early—before they lead to complicated, expensive and permanent debilitation. Access Community Health Network will be matching this project by at least 50%, with the costs that include $110,000 for the cardiologist, $290,000 for behavioral health services (other medical providers), $140,000 for medical care management, and $460,000 for community education and outreach campaign.

Congressman PETER J. ROSKAM (IL–6)

Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services—$143,000 for Adventist GlenOaks Hospital (701 Winthrop Avenue, Glendale Heights, IL 60139)

I obtained federal funding for Adventist GlenOaks Hospital in Glendale Heights, IL to

be used for the purchase of new and updated surgical equipment, including minimally invasive technology. The current equipment is 25 years old and the demands of technology in the treatment of their patients has increased drastically. This equipment will provide the medical technology necessary in treating the patients at the hospital with the best possible outcomes, as well as becoming an important component of their key involvement in disaster preparedness for their service areas.

The need for these funds by the hospital are great, as Adventist GlenOaks Hospital is the only Medicaid Disproportionate Share hospital in DuPage County—with a steady increase in Medicaid patients each year. The hospital serves a disproportionate number of state and federally funded patients as well as a significant number of uninsured patients in comparison to other facilities in DuPage County. In 2007, the hospital provided over $6.3 million in community benefits and charity care. The total cost of the purchase of the equipment is $3 million. The GlenOaks Foundation has taken on the Surgical Services Department as their targeted fundraising project for the coming year and the $143,000 in federal funding going to this project will further help leverage their fundraising efforts in the private sector.

Congressman PETER J. ROSKAM (IL–6)

Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services—$190,000 for the DuPage Convalescent Center (400 N. County Farm Road, Wheaton, IL 60187)

As the senior population in our communities continues to increase, it is ever more important to ensure these seniors have access to programs that will allow them to continue a healthy lifestyle that implements numerous preventative health measures. A particular focus on strength training has the added benefits of bone strengthening, improved balance and stability, greater endurance and energy, sleep improvement, prevention of falls and subsequent disability, improved neuromuscular coordination, enhanced cognitive functioning, improved energy metabolism, improved weight management, and improved ADL (activities of daily living) ability.

As such, I obtained $190,000 for the DuPage Convalescent Center's (DPCC) Wellness Center in this appropriations bill. The federal funds will establish dual Wellness/Fitness Centers inside the Convalescent Center (1920 square feet). One will be adjacent to the Physical Therapy/Rehab Department that will serve the long and short term population at DPCC. The second area will be located on the Ground floor with direct access to an entrance and parking accommodations so that seniors from the community will have easy access. The Wellness Center would serve approximately 430 short-term residents during their stay on the sub-acute unit with an anticipated enrollment of approximately 80% of this population once they return to the community. In addition, about 65%–70% of residents enrolled in current Physical Rehab programming will be able to participate in the Wellness center and this roughly translates to about 120 long-term convalescent center residents.

The federal funding will go specifically for the purchase of equipment and upgrades to the Wellness Center. DuPage County will provide the funds for staffing the center with a full-time Fitness Specialist and a part-time Case Manager. The County will also collaborate with local townships and municipalities and senior agencies to help provide transportation services for eligible seniors. This comprehensive Wellness Center will enable seniors to live in the community for as long as they can, which coincides with current federal initiatives that have dollars focused on successful aging in place, decreasing healthcare costs and helping improve quality of life.

Congressman PETER J. ROSKAM (IL–6)

Department of Education, National Projects, Innovation and Improvement Teach for America as authorized under the Elementary and Secondary Education Act—$4,965,000 for the Reach Out and Read National Center (56 Roland Street, Suite 100–D, Boston, MA 02129)

Too many children today arrive on their first day of kindergarten unprepared to learn, which places them at a disadvantage before even starting school. An extensive body of research now clearly documents the importance of early language and literacy skills in preparing children for later success in reading and in school. Yet today, a large number of children and their families do not receive the support and assistance they need to develop these essential skills and prepare to start kindergarten ready to learn. This is why I was supportive of federal funding for this important national program.

Through Reach Out and Read, nearly 50,000 doctors and nurses have been trained nationwide in ROR's proven strategies of early language and literacy development. Pediatricians and other healthcare providers guide and encourage parents at every pediatric check-up to read aloud to their children from the earliest months of life. Currently, more than 3,500 clinics and hospitals are implementing the program, reaching more than 25% of America's at-risk children.

Specifically, Reach Out and Read:

Makes literacy promotion a standard part of pediatric primary care, so that children grow up with books, language skills, and the ability to read;

Trains doctors and nurses to advise parents about the importance of reading aloud, and gives books to children at pediatric check-ups, with a special focus on disadvantaged children and those growing up in poverty; and

Helps families and communities encourage early literacy skills by building on the unique relationships between parents and their children's pediatricians.

ROR is nationally and internationally respected, with proven results, deserves Congressional support. In 2007, Reach Out and Read received one of the five prestigious United Nations' Confucius Prizes for Literacy, the only American program to be so honored. In 2006, the White House Conference on Global Literacy, hosted by First Lady Laura Bush, highlighted nine successful literacy-promotion models, of which Reach Out and Read was again the only American program showcased.

Congressman PETER J. ROSKAM (IL–6)

Department of Education, National Projects, Innovation and Improvement Reading is Fundamental as authorized under the Elementary and Secondary Education Act—$24,803,000 for Reading is Fundamental (1825 Connecticut Avenue, NW, Washington, DC 20009)

Reading is Fundamental (authorized under Title V, Part D, Subpart 5) prepares children to read by delivering free books and resources to those children who need them most. RIF's book distribution program hands out 16 million books annually to the nation's youngest and most at-risk children.

In the President's proposed fiscal year 2009 budget, funding for this integral program was eliminated. This successful program directly benefited over 146,000 children in the State of Illinois in 2007, which is why I advocated that instead of eliminating funded in the FY09 budget, to allow federal funds to flow so that we can continue to reach underserved children from birth to age 8 and better prepare them for their educational future.

All RIF programs combine three essential elements to foster children's literacy: reading motivation, family and community involvement, and the excitement of choosing free books to keep. Therefore, I am proud to stand up in support of this most important national project.

Congressman PETER J. ROSKAM (IL–6)

Department of Education, National Projects, Safe Schools and Citizenship Education, Civic Education Program for activities authorized under the Education for Democracy Act—$25,095,000 for the Center for Civic Education (5145 Douglas Fir Road, Calabasas, CA 91302)

I rise in strong support of the federal funding I played a role in obtaining for this most important national program. The Education for Democracy Act's domestic and international civic education programs—which reach approximately 5 million students each year—has been demonstrated by independent research and evaluation. In addition, economic education exchange programs supported by the Act reached 2.9 million students in 2006–2007. These programs make a significant contribution to our country's commitment to strengthening freedom and democracy in the United States in emerging democracies throughout the world.

Over the course of my first term in Congress, I visited classrooms in my district on a weekly basis. Every teacher I met during the course of my visits touted the success of the civic education programs, the benefits to their students, and the need for Congress to continue supporting such a successful program. As such I supported federally funding this project in the FY09 Appropriations Bill.

The Education for Democracy Act funds valuable initiatives that have been proven to increase students' fundamental understanding of democracy, improve the school environment, and increase academic achievement. Independent evaluations testify to these initiatives' success in promoting civic and economic knowledge; intellectual and participatory skills; and civic dispositions such as civility, tolerance, respect for the rule of law, and a reasoned commitment to the fundamental values and principles of constitutional democracy.

FY09 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Congressman PETER J. ROSKAM (IL–6)

Department of Energy, Energy Efficiency and Renewable Energy/Vehicle Technologies: $209,330 for Storage Tanks & Dispensers for E85 and Bio-Diesel for the Forest Preserve District of DuPage County (3S580 Naperville Road, Wheaton, IL 60187)

In 2001, the Forest Preserve District of DuPage County embarked on a 10-year initiative to convert its entire fleet of vehicles from standard gasoline or diesel-powered engines to vehicles that run on alternative fuels such

as compressed natural gas (CNG), liquefied propane (LP), ethanol (E85), and soy bio-diesel. I am proud to partner with the DuPage Forest Preserve District in this important initiative. This effort represents the sort of good-government work that the American people expect. In the long-term, this full-fleet conversion will save the District hundreds of thousands of dollars on future fuel purchases, in addition to greatly reducing tailpipe emissions and ozone pollution. Furthermore, continued application of this technology will serve as a catalyst for even wider usage and availability to the general public. Previously, the District used $612,000 to fund the CNG and LP portions of this alternative fueling station. I secured this funding for the District to complete these other phases of the project and advance the transition to an all alternative-fuel fleet by adding E85 and bio-diesel fuel dispensers, and to allow other governmental agencies in the region to fuel their alternative fuel vehicles at the site.

Congressman PETER J. ROSKAM (IL–6)

Army Corps of Engineers/Construction: $7,500,000 for the Des Plaines River, through the City of Des Plaines, Illinois (1420 Miner Street, Des Plaines, IL 60016)

In the past couple of years we have seen severe flooding in the Chicagoland area. This past September we were inundated with one of the worst rainstorms in our history, prompting the President to declare our area a federal disaster area. That is why I have secured this important funding for the expansion of Big Bend Lake and for lowering the normal lake level. These changes will provide an additional 587 acre-feet of storage for enhanced flood mitigation. The overall project helps 33 municipalities in Cook and Lake Counties in Illinois. The Des Plaines River has a long history of flooding that has caused significant economic losses. Recurrent flooding along the Des Plaines River causes estimated average annual damage in the amount of $25,228,500 (69% traffic damages, 20% residential damages, 8% commercial/industrial/public damages, 3% emergency services costs). Statutory authorization for this project is provided in the Water Resources Development Act of 1999 (Public Law 106–53), and a Project Cooperation Agreement has been signed by Army Corps and Illinois Department of Natural Resources. I am grateful that the American people have entrusted us with these precious resources to advance this project and enhance our region's flood mitigation and Great Lakes water quality initiatives.

Congressman PETER J. ROSKAM (IL–6)

Army Corps of Engineers/Construction: $28,709,000 for the McCook and Thornton Reservoirs, through the Metropolitan Water Reclamation District of Greater Chicago (100 East Erie Street, Chicago, IL 60611)

The recurrence of major flooding in the Chicago area, particularly in recent years, has demonstrated the great need for the advancement of the Chicago Underflow Plan (CUP), the regional flood control element of the Tunnel and Reservoir Plan (TARP) of the Metropolitan Water Reclamation District of Greater Chicago. This funding will be used to continue on-going design and construction of the McCook Reservoir, a key component of the TARP, a long-term comprehensive flood pollution control solution for Chicago and its 51 surrounding communities. The McCook Reservoir is currently under construction, and when completed will have a total water capacity of 7 billion gallons, provide more than $90 million per year in benefits to 3.1 million people in 37 communities, and protect more than 1 million structures. Completing the McCook and Thornton Reservoirs and bringing them fully on-line is crucial to local communities, the health of Lake Michigan and its tributaries, and to the economic development of the region. I am pleased to support this project, and to have secured funds for it. The larger effort will provide a series of underground tunnels and storage reservoirs designed to address combined sewer overflow discharges. Without timely completion of the project, communities will face decreased drinking water allocations, significant decreases in water quality and thousands of homes will be vulnerable to flooding. This system has been enormously effective in achieving its goal as evidenced by the elimination of 85% of the combined sewage pollution in a 325 square mile area. Statutory authorization for this request is provided in Public Law 100–676, and the project was included in the President's FY2009 budget request in the amount of $34,000,000. This is clearly the sort of good and necessary infrastructure project that the American people need and desire, which is why I am pleased to have served a role in securing these funds.

Congressman PETER J. ROSKAM (IL–6)

Army Corps of Engineers/Construction: $5,750,000 for the Chicago Sanitary & Ship Canal Dispersal Barriers, through the U.S. Army Engineer District, Chicago (111 North Canal Street, Suite 600, Chicago, IL 60606)

Our Great Lakes are an environmental treasure for our region, and it is incumbent upon us to provide for their healthy preservation for future generations. Accordingly, I worked with a bipartisan group of my colleagues to secure funding for this important initiative. Historically, the Great Lakes and the Mississippi River were separated naturally by a landmass, but since the completion of the Chicago Sanitary and Ship Canal, aquatic species can move freely between the two water systems. A temporary dispersal barrier (Barrier I) has been operating for nearly six years, and construction of a permanent barrier (Barrier II) will be completed this year. Without these barriers, Lake Michigan, and the rest of the Great Lakes, would be vulnerable to aquatic invasive species like the Asian Carp. Funding is needed for the operations of both barriers and to begin construction of the conversion of Barrier I into a permanent barrier. This project is authorized by the Water Resources Development Act of 2007 (Public Law 110–114, Section 3061), and the President's budget recommended $6.25 million. Providing these funds serves my constituents who enjoy the Great Lakes, and every American who travels to the Great Lakes region to enjoy these national treasures.

FY09 INTERIOR AND ENVIRONMENT APPROPRIATIONS

Congressman PETER J. ROSKAM (IL–6)

EPA/STAG Water and Wastewater Infrastructure Project: $500,000 for a Public Well in the Village of Bartlett, Illinois (228 S. Main Street, Bartlett, IL 60103)

I am pleased to have secured funds for the people of Bartlett, Illinois. These much-needed funds will expand the availability of clean water for my constituents. Due to new industrial and residential development, the Village must install a new well to meet the maximum daily demands of residents and businesses on the west side of town. The addition of a new well in Bartlett is essential to expanding the Village's ability to efficiently provide potable water to residents living in current and future residential developments as well as the surrounding industrial and commercial business parks. The new well will also increase the availability of water for the local fire protection district responding to fires on the west side of Bartlett. The well would require a radium and barium removal system to be installed in order for the well water to meet the current federal standards of the Environmental Protection Agency. Because the project is a public well, it is eligible for funding under the Drinking Water State Revolving Fund (from the STAG Water and Wastewater Infrastructure Project account), authorized by the Safe Drinking Water Act. The Village of Bartlett demonstrated an ability to commit more than $1,000,000 to the project, far in excess of the 45% commitment required for federal funds. It is my honor to have secured federal funds for a worthy project such as this, and I believe that this project serves as a good example of how federal funds can leverage local dollars to serve the American people with tangible quality of life enhancements.

FY09 TRANSPORTATION-HUD APPROPRIATIONS

Congressman PETER J. ROSKAM (IL–6)

HUD/EDI: $142,500 for Marklund Philip Center for Children in Bloomingdale, Illinois (164 S. Prairie Avenue, Bloomingdale, IL 60108)

I am honored to partner with the Marklund Philip Center for Children, and humbled to be a part of their work through this funding. This educational facility in Bloomingdale, Illinois, houses a pediatric nursing facility for infants, children and medically fragile adults, an education program for children ages 3 to 21, and a respite care program. Serving among others infants and children with severe and profound developmental disabilities who are Medicaid-eligible, this facility provides a tremendous service and benefit to the surrounding community. In such a time of upheaval in our public life, the people at Marklund serve as shining example of service for those in need.

Congressman PETER J. ROSKAM (IL–6)

FHWA/Transportation and Community and System Preservation: $475,000 for the Busse Woods Trail and Illinois Route 72 Bicycle Overpass in Elk Grove Village, Illinois (901 Wellington Avenue, Elk Grove Village, IL 60007)

I am pleased to be able to stand alongside Elk Grove Village having secured these funds to provide a greater measure of safety for our friends and family, and enhance the regional trail system that benefits our area. Federal funding provided for this project will be used for the construction of a bicycle overpass to replace the existing at-grade path crossing the six lane arterial roadway at the signalized intersection of Illinois Route 72 and the Interstate 290 ramps. The roadway carries in excess of 40,000 vehicles per day and the ramps carry nearly 15,000 vehicles per day. These heavy traffic volumes coupled with the high vehicular speeds from vehicles exiting the interstate create a hazardous crossing for bicyclists and pedestrians. The proposed overpass would link the trail systems of the Illinois Prairie Path and the Fox River Trail systems and would remove vehicular conflict with bicyclist and pedestrian traffic on this regional trail system. Part of the State's transportation improvement plan, these safety enhancements

will improve the regional trail system, and represent a commonsense solution to which our public resources can be applied with great benefit.

Congressman PETER J. ROSKAM (IL–6)

FTA/New Starts-Fixed Guideway: $4,800,000 for the Metra Union Pacific West Line through Metra (547 W. Jackson Boulevard, 13th Floor, Chicago, IL 60661)

In a regional area plagued with congestion, and a nation struggling with dependence on foreign energy, projects like these are needed catalysts for growth in transportation options for the American people. I was glad to have worked in a bipartisan fashion to secure these funds. Metra's Union Pacific West (UP–W) Line project will build upon the recent extension to Elburn and create needed capacity while continuing to deliver safe, reliable and affordable service to Metra riders. This funding will provide new corridor improvements key to addressing freight congestion. The UP–W Line extends nearly 44 miles west from Ogilvie Transportation Center in downtown Chicago. Along that corridor, it serves 18 outlying stations within Kane, DuPage and Cook Counties. The line currently offers 59 commuter trains per weekday, 29 inbound and 30 outbound, with passengers making approximately 30,000 daily trips. The substantial residential growth in this region is fueling a corresponding demand for increased service; employment in the UP–W corridor is expected to increase more than 100 percent by 2030. SAFETEA–LU authorized the UP–W Line improvements, and this federal funding will allow Metra to offer UP–W Line commuters more express trains and more reverse commuter trains. I was pleased to work on securing these funds because I believe these increased services and options will add to our region's economic potential and serve as an example for how efficient public transportation can serve the public interest so well.

Congressman PETER J. ROSKAM (IL–6)

FTA/New Starts-Fixed Guideway: $4,800,000 for the Metra STAR Line through Metra (547 W. Jackson Boulevard, 13th Floor, Chicago, IL 60661)

I have been so pleased to be a part of this STAR Line project because it truly represents a foundational effort to provide new and creative forms of transportation. This funding is needed for preliminary engineering of the STAR Line. There is considerable support among my colleagues and myself in the Illinois Delegation for this bold, new initiative that will link more than 100 communities in the Chicagoland region with new service and provide new connections between existing commuter rail lines, as well as a potential new station at O'Hare International Airport. Metra's proposed STAR Line goes beyond providing a service to a single corridor or portion of the suburban areas. Rather, the STAR Line establishes key rail connections throughout the northwest, west, and southwest suburbs, and also offers the basis for expanded suburban rail service in the future. The STAR Line holds the potential to provide a long-needed alternative to the automobile for nearly 1.2 million employees who commute to work at businesses located along the proposed alignment. It also provides an effective and proven transportation option to nearly 1.6 million residents who today live in an area chronically plagued by highway congestion. By linking nearly 100 suburban communities around Chicago, the STAR Line would fill a critical void in inter-suburban travel with this revolutionary system. This project is vital to the region in terms of alleviating traffic congestion, providing new commuting opportunities, and linking communities and places of business with new service. This project was authorized in SAFETEA–LU. I am glad these funds have been made available because this project demonstrates the sort of growth-oriented effort that my constituents and the American people expect when investing public resources.

Congressman PETER J. ROSKAM (IL–6)

FTA/Alternatives Analysis Program: $237,500 for Alternatives Analysis for Pace Suburban Bus Service in Arlington Heights, Illinois (550 W. Algonquin Road, Arlington Heights, IL 60005)

This effort is a worthy one, and one for which I was glad to advocate and secure funding. Pace will use these federal funds to perform the federally required Alternatives Analysis study on the proposed ''J-Route'' Bus Rapid Transit (BRT) project. This project will create a high-speed transit option for commuters in the western suburbs of Chicago between Schaumburg, O'Hare Airport, Oakbrook and Naperville. BRT is based on signal priority for buses at traffic signals along arterial routes, roadway improvements, real-time travel information signs at significant stops along the route using the Intelligent Bus System already installed on all Pace buses, and dissemination of real-time travel information to passengers, dispatchers, planners, and customer relations staff using a variety of electronic media. The federal government has supported the capital costs of public transit improvements for decades, and this project would enhance Illinois' transportation infrastructure while promoting economic growth. I am pleased to have secured funding for such a project that will do much to add to the service Pace offers and the opportunity it provides to its users.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 1105, the Omnibus Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Animal Plant Health Inspection Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Bio-Safety Institute for Genetically Modified Agriculture Products project receives $259,000. This project utilizes federal funds to provide independent, unbiased and science-based evaluations of the risks and benefits of genetically modified agricultural products. Personnel develop the scientific safeguards and education needed to protect human health and the environment in an age of genetically engineered products and technology necessary for economic development.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Human Nutrition project receives $451,000. This project will enhance human health and aims to reduce unnecessary health care expenditures by evaluating the impact of foods, nutrient supplements and diet and exercise strategies promoting wellness.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Animal Science Food Safety Consortium receives $939,000. This project is a continuation of the effort to assess potential threats to food safety as it relates to pork during productions, processing, distribution and consumption.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Biotechnology Test Production project receives $322,000. This project will develop plant-based technologies related to production of corn lines and other crop-related lines that generate higher yields.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Center for Agriculture & Rural Development receives $412,000. Project analyzes the impacts of alternative domestic and trade policies on agriculture production. As agriculture continues to globalize, project models will produce a better

understanding of trade policy impacts, and therefore better trade policies.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 NW 114th St., Urbandale, IA 50322

Description of Request: The Center for Environmental Management Systems for Agriculture receives $288,000. This project continues the implementation of program to help farmers facilitate better environmental management plans through best practices involving fertilizers, pest control and soil management

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Food and Agriculture Policy Research Institute (FAPRI) receives $1,139,000. FAPRI makes baseline projections of production, consumption and trade flows of major agricultural commodities in the United States and other countries that import or export significant amounts of agricultural products.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Protein Utilization project receives $586,000. This project will develop technologies that enhance bio-refineries using soybeans as feedstock to develop products that replace petro-derived industrial products.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Livestock Waste project receives $184,000. This project will fund ongoing emission reductions strategies.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Midwest Poultry project receives $471,000. The program will address sustainability and efficiency in poultry production. The initiative will provide a structure to facilitate multi-disciplinary research networks that enhance limited state and industry resources and have the scope to attack real-world problems. The project will also develop collaborative approaches in research and technology transfer.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: $282,000 is provided for Iowa State University's New Century Farm. The project seeks development of a sustainable biofuel feedstock production system, a living lab for developing and testing sustainable biomass systems. Project will accelerate the development and evaluation of alternative, 'green' biofuels, both short and long-term.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Northeast Iowa Community-based Dairy Foundation

Address of Requesting Entity: P.O. Box, Calmar, IA 52132

Description of Request: The Dairy Education program receives $159,000. The project aims to increase the success of dairies by providing education on production technology, environmental stewardship, marketing and competitiveness. The Dairy Education project has goals of retaining, growing and fostering the development of the industry.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 NW 114th St., Urbandale, IA

Description of Request: The On-Farm Management System Evaluation Network receives $167,000. This program will help farmers optimize nutrient efficiency which, in turn, enhances the economic, environmental and agronomic performance of working lands.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M, Fort Dodge, IA 50501

Description of Request: The project is funded at $450,000. Funds will be used by the Iowa Central Law Enforcement Training Center to carry out a multi-disciplinary training program for law enforcement personnel from across the state. Thus far, almost 24,000 law enforcement personnel have been trained.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The project is funded at $3,000,000. Funds will be used for continuation of forensic training and research at the Lab. Numerous & crime labs, at the federal, state and local levels, have benefited from training at the Ames Lab in the areas of forensic evaluation, analysis and crime lab management. The various forensics labs that benefit from the discoveries at the Ames Lab continue to send their personnel to Ames, year after year, to receive updated training.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: $650,000 is provided to continue a major cyber security defense program, which is a first-of-its kind, dedicated to creating a virtual Internet environment to research and design cyber defense mechanisms. Simulations are played out against real equipment vs. artificially-created attack scenarios.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Des Moines Area Community College

Address of Requesting Entity: 2006 South Ankeny Blvd. Ankeny, IA 50023

Description of Request: The Des Moines Area Community College Electronic Crime Institute is provided with $1,400,000. Funds will be used for equipment and supplies for programs at the Institute. This is a computer/electronic crime training institute that trains law enforcement personnel (at federal, state and local levels) in electronic crime detection and forensics.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Big Brothers/Big Sisters of Central Iowa, Clive, Iowa

Address of Requesting Entity: 9051 Swanson Blvd. Clive, IA 50325

Description of Request: $250,000 is provided to support a Big Brothers/Big Sisters training and mentoring program in rural Iowa. It is a prevention program in which the trained mentors work with children, ages 6–17.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: COPS Meth Program

Legal Name of Requesting Entity: State of Iowa (Office of Drug Control Policy), Des Moines, Iowa

Address of Requesting Entity: 401 SW 7th Street, Des Moines, IA 50309

Description of Request: The Partnership for a Drug-Free Iowa is provided with $250,000. The purpose of this project is to provide public-service, anti-drug messages to parents in order to provide family members with an understanding of the problems caused by drugs, and the signs to look for in rooting out drug problems.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Parents Anonymous of Iowa

Address of Requesting Entity: 2011 Vine Street #2140, Des Moines, IA 50265

Description of Request: The project is funded at $200,000. The purpose of the project goes to the development & maintenance of state-wide programs that serve at-risk families that have child abuse issues. Parents Anonymous of Iowa is a state chapter of a broader, nationwide program.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers

Legal Name of Requesting Entity: Army Corps of Engineers—Construction

Address of Requesting Entity: Rock Island, IL.

Description of Request: $910,000 is provided in Section 206 to complete design and construction related to the Ventura Marsh portion of the Clear Lake Improvement Project, a major water quality initiative involving the Corps of Engineers and the Iowa Department of Natural Resources.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Office of Science

Legal Name of Requesting Entity: Luther College

Address of Requesting Entity: 700 College Dr., Decorah, IA 52101.

Description of Request: Provides $951,500 for the renovation of the Valders Hall Science Bldg, a primary element of which is energy conservation modes used in the renovation. The project uses ''green'' approaches and methods in the renovation and expansion of the building.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Renewable Energy

Legal Name of Requesting Entity: Iowa Lakes Community College

Address of Requesting Entity: South 7th Street, Estherville, IA.

Description of Request: Provides $475,750 for a sustainable energy education center as a demonstration project involving ''green'' building initiatives and other benefits related to new energy efficient technologies, most prominently, wind energy.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Renewable Energy

Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M, Ft Dodge, IA.

Description of Request: Provides $475,750 for laboratory equipment for a nationally certified renewable fuels assurance testing program. The program is of interest to DOE because of its focus on quality control in renewables.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—PAS

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Rock Island, IL.

Description of Request: Provides $152,000 for completion of feasibility work regarding restoration of degraded aquatic and wetland habitats on the West Fork of the Des Moines River.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Rock Island, Ill.

Description of Request: Provides $3,800,000 to maintain scheduled construction activities on this broad-based river restoration and Flood control effort that is authorized.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—Section 205, Flood Control

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Rock Island, IL.

Description of Request: Provides approx. $200,000 to continue a feasibility study for the Winnebago River flood control project in Mason City, Iowa. This is a major initiative aimed at mitigating perpetual flood hazards in this region of Iowa.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE—Energy Delivery & Energy Reliability

Legal Name of Requesting Entity: Iowa Association of Municipal Utilities

Address of Requesting Entity: 1735 70th Avenue, Ankeny, IL.

Description of Request: Provides $1,400,000 for a wind energy storage project in Iowa. The project is carried out in partnership with the Department of Energy, and involves the compressed air storage of wind energy in an underground aquifer. This is a unique project that, at one point, was the only one of its type in the country.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division D—Financial Services and General Government Appropriations Act.

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: North Iowa Area Community College

Address of Requesting Entity: 500 College Drive Mason City, IA 50401

Description of Request: $100,000 is provided to support the Regional Economic Development Organization. The goal of this organization is to improve marketing and recruitment of business in rural Iowa and plan for the economic stability of the region.

Project Budget Breakout: Salaries $64,910, Benefits $18,165, Equipment $5,000, Supplies $10,925, Marketing $1,000.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division D—Financial Services and General Government Appropriations Act.

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Iowa Valley Community College

Address of Requesting Entity: 3702 South Center Street Marshalltown, IA 50158

Description of Request: A property in downtown Marshalltown is currently leased for use as the Iowa Valley Education and Training Center. In the five years the center has been open, demand for the outreach, education, and workforce development services it provides has outgrown the current space available at the facility. Through this project, the Iowa Valley Community College District will

acquire the currently leased property. The facility will then be renovated to improve energy efficiency and effective use of space as well as prepared for expansion of the building. An addition to the facility will then be built to nearly double the available space. Along with the renovation and expansion, furnishings, fixtures, and equipment will be updated and added to improve outreach, education, and workforce development activities. $500,000 is provided for this project.

Project Budget Breakout: $350,000 for property acquisition. $100,000 for facility Renovation. $650,000 for a building expansion. $150,000 for furniture, fixtures, and equipment.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division E—Department of Interior, Environment, and Related Agencies Appropriations Act.

Account: State & Tribal Assistance Grants

Legal Name of Requesting Entity: City of Mason City, Iowa

Address of Requesting Entity: 10 1st Street NW, Mason City, IA 50401

Description of Request: $220,000 is provided to aid in the procurement and installation of a self-chlorination system at the Mason City drinking water plant. In turn, this will allow the City to use salt to produce chlorine instead of purchasing chlorine. This protects the City system in the event of a pandemic or other catastrophe in that it guarantees a chlorine supply measured in months versus weeks.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Labor—Employment and Training Administration

Project Name: Advanced Manufacturing Training Center

Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M Fort Dodge, IA 50501.

Description of Request: Advanced Manufacturing Training Center works to train workers for the biotechnology, pharmaceutical and industrial/electrical maintenance sector of the Iowa economy. $333,000 is provided to enable the center to purchase a mobile lab and supplies, and pay for salaries which will assist the center in meeting its goal to provide an important link between Iowa Central Community College and area manufacturing industries.

Project Budget Breakout: $1.3 million for formulation, blending, storage tanks, freeze dryer, capper, tablet compression, oven and related equipment. $100,000 for additional manufacturing simulation equipment. $70,000 for a mobile training laboratory. $100,000 for contract training services. $180,000 for staffing at the training center.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Education—Higher Education

Legal Name of Requesting Entity: Waldorf College

Address of Requesting Entity: 106 South 6th Street Forest City, IA 50436.

Description of Request: Following a long history as a two-year institution, Waldorf College received accreditation in 2001 as a Baccalaureate college from the Higher Learning Commission of the North Central Association. One of our challenges as a new Baccalaureate institution is to build library resources needed to support our growing programs. $95,000 is provided to enhance and improve teacher preparation library materials for the Luise V. Hanson Library at Waldorf College. It will increase the collection in theory and classroom practices including methods and best practices for K–12 classroom teachers. In addition children's and juvenile literature in both paper and video formats will be acquired to help students learn and experience the body of literature currently available to ages K–12. Finally, the collection in curriculum in various formats will be enhanced to provide teacher preparation students with materials and examples of learning tools used in K–12 classrooms.

Project Budget Breakout: $100,000 Theory and Practice materials $100,000 Children's and Juvenile materials $100,000 Curriculum lab materials

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Greene County Medical Center

Address of Requesting Entity: 1000 West Lincolnway, Jefferson, IA 50129

Description of Request: Surgical equipment upgrades are required to provide the highest quality care to rural patients in Greene County Iowa, consistent with the HRSA Health Facility Grant program under which this request is made. $325,000 is provided for the purchase of Berchtold Surgical Lights to provide better illumination for surgical procedures, a C-Arm x-ray machine to visualize placement of catheters and the presence of obstructions, a C-Arm compatible operating room table, an electrocautery machine to control bleeding during surgical procedures, and a laparoscopic system for use during laparoscopic procedures, such as removal of gallbladders, repairing hernias, and the emergency removal of an appendix.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Gundersen Lutheran Decorah Clinic

Address of Requesting Entity: 1830 State Hwy. 9, Decorah, IA 52101

Description of Request: The Gundersen Lutheran Decorah Clinic initiative allows rural citizens to take advantage of recent innovations in fetal monitoring technology that improve neonatal outcomes, through the use of real time fetal monitoring consultation during labor with expert obstetrics/gynecology (OB/GYN) physicians. The decreasing number of specialty health care providers in rural areas has resulted in a growing need for consultations from regional providers. Ensuring the most favorable neonatal outcomes for rural women creates distinct challenges. The technology provided in this program improves access to OB/GYN consultation in rural communities and allows regional family practice physicians to discuss the care of their patients from their local community facilities. $95,000 is provided through the HRSA Health Facility Grant program for hardware and training needed to facilitate the use of this technology.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Iowa Dental Foundation

Address of Requesting Entity: 5530 West Parkway, Suite 100, Johnston, IA 50131

Description of Request: $381,000 in funding is provided through the HRSA Health Facility Grant program to purchase portable dental equipment that will help establish the Iowa Mission of Mercy (MOM) project to deliver free dental care to underserved populations. The Iowa Department of Public Health will use the operatories throughout the year in public health settings such as Iowa rural clinics, schools and nursing facilities to enhance access to oral health care when the Iowa Dental Foundation is not using them during a MOM project. MOM projects have been used successfully in other states to deliver free dental care given by volunteer dentists and their allied staff to underserved populations. The contribution that these programs can make to Iowa communities is substantial. For example, the Virginia Dental Association estimates that Virginia Mission of Mercy volunteer dental personnel have provided free dental care to more than 24,856 patients valued at more than $11.3 million.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: Iowa State University's College of Veterinary Medicine is provided with $666,000 in funding to expand and equip a new, modular Biosafety Level 3 laboratory, in order to develop strategies for safeguarding Iowa's animal agriculture and human populations from highly infectious diseases. Iowa State University's College of Veterinary Medicine long has been preeminent in the field of infectious diseases research in domestic animals. Recently, the College has focused on research that addresses new strategies to

prevent and control foreign animal and zoonotic diseases, which are pathogens carried by animals that may be spread to humans.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Mercy Medical Center—North Iowa

Address of Requesting Entity: 1000 4th Street SW, Mason City, IA 50401

Description of Request: $190,000 is provided through the HRSA Health Facility Grant program for hardware, software and training to implement an automated medical record system in the intensive care unit (ICU) at Mercy Medical Center—North Iowa. This system uses a bedside device to capture and integrate ICU monitor data, and provides a centralized place in the patient's Electronic Health Record to view patient data trends, document patient findings, update physician orders, and receive important notifications. The system allows the information to be viewed by the patient's physician over a secure connection from locations in surrounding rural areas. The result of integrating the automated electronic health record with the ICU unit will be increased patient safety and reduced medical errors. National studies have shown that as many as 16 percent of patients admitted to an ICU experience a human error, and that these errors can add significantly to length of stay, morbidity and costs. The Medical Center employs approximately 100 primary care health providers in very rural settings with the Mason City hospital being the hub of the integrated network, which will contribute to and benefit from this initiative.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Centers for Disease Control and Prevention (CDC)

Legal Name of Requesting Entity: Des Moines University

Address of Requesting Entity: 3200 Grand Avenue, Des Moines, IA 50312

Description of Request: This ongoing research project in partnership with the Iowa Farm Bureau is provided with $190,000 through the Centers for Disease Control and Prevention to help determine what chronic disease prevention efforts and early interventions achieve better health outcomes in at-risk individuals aged 55–64. The goal of the project is to determine if long-term taxpayer savings can be achieved by delaying, preventing or better managing chronic disease prior to entering the Medicare program. Specifically, the funding would be used to perform health risk assessments, provide disease management services and assess program results.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Education—Rehabilitation Services & Disability Research

Project Name: Iowa Department of Blind

Legal Name of Requesting Entity: Iowa Department of Blind

Address of Requesting Entity: 524 4th Street Des Moines, IA 50309

Description of Request: The Library for the Blind and Physically Handicapped (LBPH) provides important materials to disabled Iowans and is transitioning along with the National Library Service's Digital Talking Book program to a digital format from a cassette based system. These important materials provide current events, information, and leisure reading to those who can no longer read. The LBPH provides many additional local materials which will need to be in the new digital format also. $95,000 is provided to assist in the purchase of new electronic storage space for these digital materials and a new shelving system for the digital talking books.

Project Budget Breakout $14,000 Randomshelving system. $4,500 Bar Code Scanners. $2,000 Bar Code Printer. $7,000 Training and New Software. $58,000 Digital Storage Space, Duplication Equipment, and Shipping Containers. $27,500 Web-based Software for Circulation of Digital Talking Books.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Project Name: Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning

Legal Name of Requesting Entity: City of Humboldt, Iowa

Address of Requesting Entity: 29 56 St. S., Humboldt, IA 50548

Description of Request: $760,000 is provided to the State of Iowa to undertake an environmental analysis/justification report, and preliminary engineering for proposed work on the 12 mile corridor. The project would include the addition of left and right turning lanes at intersections, 6 miles of passing lanes, widened and paved shoulders, improved entrances at various locations and a 1.23 mile section of reconstruction to improve the roadway geometrics and blind intersections.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Project Name: Highway 20 Construction Calhoun and Webster Counties

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: $855,000 is provided to the State of Iowa to continue the expansion of Highway 20 from two lanes to four. The completion of the relocated US 20 segment in Webster and Calhoun counties will add another 20 miles of four-lane roadway to the corridor.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Legal Name of Requesting Entity: Mitchell County Conservation Board

Address of Requesting Entity: 18793 Highway 9, Osage, Iowa 50461

Description of Request: $570,000 is received for the Wapsi Great Western Line Trail. The Wapsi trail is a planned multi-use trail project that is located in Mitchell and Howard Counties as well as into Mower County in Southern Minnesota. The planned 33 mile trail starts in Elma, Iowa and progresses north through Riceville and McIntire, connecting to the paved Shooting Star Trail at Taopi, Minnesota which will connect to the Root River Trail. The trail will consist of approximately 15.5 miles in Mitchell County, 13.5 miles in Howard County, and 4 miles in Mower County. Four and a half miles of trail through Mitchell County were asphalted and completed in Fall 2007 and two additional phases are planned for asphalting in Fall 2008. The trail in Mitchell county travels over 2 historic bridges and the Wapsi Welcome Center in Riceville is a historic church that is eligible for the National Registry of Historic Buildings. The Welcome Center in Howard County in Elma is a historic rail depot. Upon completion of this phase of the trail, it will be possible to continue southeast to New Hampton, IA. Once the planned trail is connected to the trails in Minnesota, there will be over 100 miles of trail system for residents and visitors to enjoy.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Marshalltown, Iowa

Address of Requesting Entity: 24 North Center Street, Marshalltown, IA 50158

Description of Request: $570,000 is received for the project to include the redevelopment of property located in a downtown neighborhood. Funding would be used to assist in the acquisition of properties, relocation, and demolition to allow for new housing development. Marshalltown received $140,000 in the FY08 bill which has allowed them to purchase one property in this area.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Fort Dodge, Iowa

Address of Requesting Entity: 819 1st Avenue South, Fort Dodge, IA 50501

Description of Request: $285,000 is provided to assist in the acquisition of properties, relocation, and demolition to allow for new housing development. Phase I of this project was financed in part with federal funds in the past which involved the acquisition, demolition and re-sale of properties along the North 9th Street corridor. Phase II includes 6 properties and provide incentives for the redevelopment and conversion of 5 additional properties to

the east of Phase I. This project is a response to the R.A. Smith study, which named improving housing in the community in order to sustain a sufficient workforce. Currently, Webster County and the surrounding areas are experiencing a labor shortage; but before employees can be recruited to area companies, adequate housing must be available.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the House Republican standards on Congressional directed spending items, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding spending directed to Texas' 19th Congressional District as a result of requests made by those I represent:

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: $1,730,000

Legal Name of Requesting Entity: Texas Tech University and Texas A&M University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409 and College Station, TX 77843

Description of Request: The cotton research funding will be used for study of genomics and genetic manipulation to increase yield and fiber quality, determination of economic factors affecting profitability and understanding of cotton marketing forces, study of the integrated effects of world market and policy program and development of new textile testing and manufacturing technologies. Accomplishments of this continuing research, which is authorized as a High Priority Research and Extension Area, include (1) plant density and irrigation findings that conserve water and enhance producer profitability by $37 million, (2) genetic enhancements that increase fiber value and (3) analysis of cotton markets, trade and farm policy proposals to determine economic impacts on producers.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: $946,000

Legal Name of Requesting Entity: Texas Tech University, Center for Food Industry Excellence

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center for Food Industry Excellence will use funds to determine the impact of packaging systems on the food safety and quality of meat and poultry products, investigate antimicrobial drug resistance in animal production and continue to study pre- and post-harvest interventions to determine control measures for food-borne pathogens in the food supply. The Center's research has already resulted in a pre-harvest food safety intervention that is currently being fed to 60% of feedlot cattle in the U.S., evaluation of meat packaging systems that have improved the safety and quality of meats and poultry and updated data on nutritional composition of poultry for use by USDA and nutritional labeling.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: $515,000

Legal Name of Requesting Entity: Texas Tech University, Kansas State University and Texas A&M University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409; Manhattan, KS 66506; College Station, TX 77843.

Description of Request: The Great Plains Sorghum Improvement Center integrates research efforts at three universities with sorghum expertise. Kansas State University leads efforts in agronomic sorghum research and development of new uses for sorghum. Texas Tech leads market and policy analysis work, and Texas A&M focuses on efficient sorghum cropping and production strategies. Research in FY09 will focus on genetics and plant breeding to enhance sorghum as a bioenergy feedstock, developing more sustainable cropping systems and developing new uses for grain sorghum.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Agriculture Research Service Salaries and Expenses: $1,474,000

Legal Name of Recipient Entity: USDA–ARS Cropping Systems Research Laboratory

Address of Recipient Entity: 3810 Fourth Street, Lubbock, TX 79415.

Description of Request: The Administration's FY09 budget request to Congress proposed to eliminate funding for two research programs at the ARS Cropping Systems Research Lab in Lubbock. This request allows continued funding of the Lab's sorghum cold tolerance research ($246,000), which is leading to a better understanding of how drought tolerance functions in sorghum and screening techniques to assist plant breeders in rapidly identifying and moving those genes into improved germplasm. The request also allows continued funding of the Lab's Cotton Production and Processing Unit ($1,228,000). The Unit is the only ARS facility that works on quality issues related to mechanical stripper cotton. The Unit also has a particulate matter analysis lab used to support USDA air quality work.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Environmental Protection Agency, State and Tribal Assistance Grants: $200,000

Legal Name of Requesting Entity: City of Lubbock, TX

Address of Requesting Entity: 1635 13th Street, Lubbock, Texas 79457

Description of Request: These federal funds, along with a 45% match from the City of Lubbock, will be used for engineering costs to enable the city to move forward with constructing a terminal water storage reservoir and a membrane water treatment plant southeast of Lubbock, which will allow the City to make use of an additional water source to replace declining water supply. Projections indicate Lubbock, and the surrounding rural communities its water system serves, will need this water by 2012. This project's total cost is $46 million and also includes new pipeline and pump stations; a majority of funding for the project comes from state and local sources.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers, General Investigations: $163,000

Legal Name of Requesting Entity: City of Abilene, TX

Address of Requesting Entity: PO Box 60, Abilene, TX 79604

Recipient Entity: U.S. Army Corps of Engineers Fort Worth District located at 819 Taylor Street, Fort Worth, TX 76102

Description of Request: Flooding along Elm Creek in Abilene has resulted in federal disaster declarations, most recently in 2002 with $6.3 million in damages to residences. Abilene has partnered with the Corps on a study of flood mitigation options. Of the total $1.7 million cost, Abilene has contributed 50% of the costs, and the Corp committed to provide 50%. Prior to FY09, the Corps received $373,000 for this study, and this funding brings them close to their share so the study can be completed.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Energy, Office of Energy Efficiency and Renewable Energy: $1,903,000

Legal Name of Requesting Entity: Texas Tech University's Great Plains Wind Power Test Facility

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center's research focuses on: testing utility-scale wind turbines designed for use in less-energetic wind regimes; assessing the risk and effects resulting from exposure to more extreme wind events; improving wind turbine design codes; ful-scale testing of wind-driven water desalination systems and their associated economics; and developing modeling codes for combined wind-water systems. FY09 funds, along with $552,000 state of Texas funds and up to $1 million in local matching funds, will be used to design, construct, instrument, operate and monitor the technical and economic performance of an integrated wind-driven water system capable of supplying 1 million gallons/day of purified water. The module will be capable of replication for additional capacity and for adoption in other locales.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: $238,000

Legal Name of Requesting Entity: Muleshoe Area Hospital Center

Address of Requesting Entity: 708 S First Street, Muleshoe, Texas 79347

Description of Request: The Muleshoe Area Hospital Center is a Critical Access Hospital that serves a large rural area with a population of 17,000 and per capita income of $13,700. The hospital provides care to a growing Medicare population, a large number of uninsured patients and indigent patients. The hospital has one rural health clinic with one physician, and the area has three other family practice physicians in two different locations, neither of

which are rural clinics. Funding would go toward the hospital's efforts to combine the two clinics and physicians into the hospital's clinic, including expanding and renovating the existing facility and new equipment. The hospital believes that combining physicians into one clinic will provide better health care services, allow mid-level practitioners to support physicians and help recruit additional physicians to the rural area. The total project cost is $1.7 million, and the federal support will supplement local funding.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: $190,000

Legal Name of Requesting Entity: Texas Tech University Health Sciences Center

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Regional Interdisciplinary Simulation Center (RISC) at TTUHSC will provide a replica of multiple clinical settings and support the learner from student to the life-long learning needs of the expert practitioner. TTUHSC has designated approximately 30,000 square feet for the establishment of a state-of-the-art regional simulation center in response to the Institute for Medicine report, Health Professions Education: A Bridge to Quality. The center will assist the learner in developing the competencies mandatory to ensure patient safety while promoting interdisciplinary collaboration, communication, and teamwork. FY09 funds, along with TTUHSC and local matching funds, will go toward purchase of human-patient simulator to facilitate the development of clinical competencies and judgment of students and practitioners of the health sciences; the total project cost is $3 million.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: $190,000

Legal Name of Requesting Entity: Texas Tech University Health Sciences Center

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center of the Study of Addiction and Recovery is a unique and comprehensive educational, social support and recovery service network for students in higher education who are recovering from addictive disorders or who have grown up in families impacted by addiction. A main goal of the Center is to serve as a demonstration program that can easily be replicated by other institutions of higher education. The requested funding will be used for programmatic costs, specifically to: (1) determine and maximize the most effective methods of peer delivered support and empower persons in recovery to deliver these services; (2) provide an alternative peer community that combats the current ''culture of drinking'' on college campuses; (3) pursue research collaborations to improve programs that identify and meet the needs of students in recovery; and (4) develop an effective replication strategy and organizational plan to other institutions of higher education. The Center is currently working with the University of Texas-Austin, the University of Texas-San Antonio, the University of Colorado-Boulder and Tulsa Community College to form recovery centers at those campuses modeled after the one at Texas Tech. A cost share of $369,000 in state and local funds will be used with federal funds in FY09.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Transit Administration, Buses and Bus Facilities: $712,500

Legal Name of Requesting Entity: City of Lubbock/Citibus

Address of Requesting Entity: Citibus, PO Box 2000, Lubbock, TX 79457 (806) 712–2001

Description of Request: The buses will replace vehicles in the Citibus fleet that have exceeded their useful life. Many of the buses used for Citibus' services will be twelve years old and in need of replacement to better serve the Lubbock community. By purchasing hybrid electric buses, Citibus will be more environmentally friendly, and be less dependent on oil products; current technology electric hybrid buses will result in a 40% fuel savings over current usage. This bus purchase will be part of a multi-year Section 5309 request. Citibus would like to replace the fleet over a five year period at the rate of seven to eight buses per year.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Transit Administration, Busses and Bus Facilities: $456,000

Legal Name of Requesting Entity: City of Abilene Paratransit

Address of Requesting Entity: City of Abilene, PO Box 60, Abilene, TX 79604

Description of Request: Abilene operates an Americans with Disabilities Act-compliant paratransit service for persons whose physical or mental disability prevents them from using the accessible fixed-route bus service. However, Abilene's ability to meet the need for paratransit service is jeopardized due to heavy usage. The City has 22 vehicles but 18 vehicles have exceeded their Federal Transit Administration useful life limits. The City requested assistance in replacing five paratransit vans to meet the transportation needs of the City's disabled population. City of Abilene will provide a cost share of $120,000 for the $600,000 total cost of this project.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account:

Department of Housing and Urban Development, Economic Development Initiatives: $142,500

Legal Name of Requesting Entity: City of Abilene

Address of Requesting Entity: City of Abilene, PO Box 60, Abilene, TX 79604

Description of Request: The Life Sciences Accelerator is a biotech facility located in a 20,000+ square foot building that will contain leased office space and laboratory facilities and research equipment to be ''time-shared'' by biotech company tenants. The Development Corporation of Abilene (DCOA), the economic development arm of the City of Abilene, has committed $4.85 million to the Accelerator, including the building and equipment—about a 95% local share. The Accelerator is part of a much larger biotech initiative by the City of Abilene/DCOA designed to diversify the regional economy through attraction of high-paying research jobs. Properly outfitted lease space is needed to attract companies that license these discoveries (intellectual property) from the new Texas Tech School of Pharmacy in Abilene and elsewhere for commercialization. These federal funds will go toward the $1 million needed for equipment for the Accelerator, such as an Amnis ImageStream imaging flow cytometer, for example, which is available at only 35 other sites in the world and will help make the Accelerator a ''world class'' research facility that attracts private investment and jobs.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Interstate Maintenance: $475,000

Legal Name of Requesting Entity: The Ports to Plains Trade Corridor

Address of Requesting Entity: 5401 N MLK Blvd., Unit 395, Lubbock, TX 79403 (806) 775–3373

Description of Request: The Ports to Plains Trade Corridor is vital to the infrastructure of West Texas and will provide increased economic growth opportunities for Texas, and a recently-completed corridor management and development plan produced by the departments of transportation of Texas, Oklahoma, New Mexico and Colorado projected that if completed, the corridor will create 40,000 new jobs with an economic impact of $4.5 billion. That will provide a benefit to cost ratio of 3:1. Big Spring is currently in the path of the federally-designated Ports-to-Plains Trade Corridor (section 1105(c) of ISTEA). While the Corridor will bring increased commerce, the increase of truck traffic will pose several safety hazards to the community. This commercial truck traffic, interspersed with community traffic along the current route, has slowed travel along this part of the Corridor. Due in most part to the grade changes and traffic signals, the increase of traffic through Big Spring threatens the safety and well-being of the city's residents. The US 87 reliever route will increase the fuel and speed efficiency when traveling US 87. The Ports-to-Plains Corridor has made significant strides in opening an alternative NAFTA trade route to the whole United States. This bypass will build on that success while resolving many safety and congestion issues.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: National Aeronautics and Space Administration, Cross-Agency Support: $500,000

Legal Name of Requesting Entity: Texas Tech University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Engineering Support for Extended Human and Robotic Space Flight Missions initiative will provide engineering support for extended human & robotic space flight missions, which will directly contribute to NASA's initiative of returning to the moon and going to mars. For human and robotic missions the Center for Space Sciences is addressing the need for a decreased reliance on mission control due to the communication delays that occur in long

distance missions. For human missions the Center is also addressing the need for greater autonomy in dealing with the physical needs of the astronauts, including long term water recycling, which currently limits the habitation period possible without re-supply, and the ergonomics and human factors aspects of human performance in zero and reduced gravity environments. The major research areas will include recyclable/renewable water resources, autonomous/renewable control systems and ergonomics/human factors crew support.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

PROJECT NAME: COMMERCIAL FISH AND SHELLFISH TECHNOLOGIES

Account/Amount: Department of Agriculture: Cooperative State Research Education and Extension Services, $331,000

Requested By: Virginia Tech, 210 Burruss Hall, Blacksburg, VA 24061

Project Description: Declining crab populations are linked to worsening environmental conditions, like loss of habitat and a degradation of the water quality. The Commonwealth of Virginia petitioned the Department of Commerce for a federal fishery disaster declaration and requested federal assistance for Virginia watermen impacted by new restrictions on blue crab harvests in the Chesapeake Bay. The Secretary of Commerce approved the disaster designation and NOAA released $20 million in disaster assistance funds to Virginia and Maryland in November 2008. This project would develop re-circulating aquaculture technology to increase the supply of domestically produced high-value seafood products and provide sustainable economic development opportunities for distressed communities. The project has received numerous federal grants, and approximately $680,000 in local and state government funding.

Financial Plan: Personnel $676,000; Equipment and Supplies $39,000; Laboratory Services and Publications $16,000

PROJECT NAME: US ROUTE 1/STATE ROUTE 619 TRAFFIC CIRCLE/INTERCHANGE PROJECT

Account/Amount: FHWA, Federal Lands Highways, Public Lands Highways: 1,187,500

Requested By: Prince William County, Virginia One County Complex Court, Woodbridge, VA 22192

Project Description: Funds would be used to construct an interchange/traffic circle at the intersection of USR 1 and SR 619. The purpose of project is to safely and securely access the USMC Quantico Marine Corps Base and the National Marine Corps Museum (Heritage Center), which is adjacent to Quantico Marine Corps Base. This project will help alleviate traffic on USR 1 as a result of BRAC-mandated growth of the base. This project is included in the Virginia Six-Year Transportation Improvement Plan.

Financial Plan: $5.5 million has previously been appropriated and there is a $1.2 million local match through state primary road formula funds. Prince William County is using $47,000,000 of local general obligation bonds to construct the section of Route 1 between SR 619 Joplin Road and Brady's Hill Road that will match up to the interchange/traffic circle.

PROJECT NAME: ONVILLE ROAD INTERSECTION AND ROAD-WIDENING PROJECT

Requested By: Quantico Growth Management Committee/Stafford County, Virginia 1300 Courthouse Road Stafford County Administrative Complex Stafford, Virginia, 22555

Account/Amount: FHWA, Federal Lands, Public Lands Highways, $950,000

Project Description: Funds would be used for the Onville Road intersection and widening project. The purpose of this project is to relieve local road congestion between Garrisonville Road and the Marine Corps Base Quantico by improving access to MCBQ at the Onville Road Gate. The intersection and a portion of Onville Road is included in the state 6-Year Plan.

Financial Plan:

Amount of local matching funds: $675,000

Amount of state matching funds: $350,000

Total Project Cost: $13,000,000

PROJECT NAME: PRELIMINARY ENGINEERING FOR THE INTERSTATE 95/ US ROUTE 17 INTERCHANGE PROJECT

Requested By: Spotsylvania County, 9104 Courthouse Road, Spotsylvania, VA 22553

Account/Amount: FHWA, TCSP: $95,000

Project Description: Funds would be used for preliminary engineering for a new interchange off of I–95 at U.S. Route 17 to facilitate traffic flow. This interchange is on Spotsylvania County's Comprehensive Plan as a needed improvement. Massaponax Traffic Corridor Study completed, with interchange recommendations. Interchange Justification Report (IJR) funded; Regional Transportation Improvement Program (TIP) Amended to Include in the Constrained Long Range Plan.

Finance Plan:

Interchange Justification Report: $300,000

Preliminary Engineering Estimate: $2,000,000

Final Engineering (10% Project cost): $17,800,000

R/W & Utilities (20% Project cost): $35,600,000

Construction (Net): $122,250,000

Total Project Cost: $178,000,000

PROJECT NAME: CHESAPEAKE BAY GATEWAYS NETWORK

Requested By: Commonwealth of Virginia, Department of Historic Resources 2801 Kensington Avenue Richmond, VA 23221

Account/Amount: National Park Service: Statutory or Contractual Aid: $1,000,000

Project Description: The Chesapeake Bay Gateways Network (CBGN) is a program of the National Park Service's Chesapeake Bay Program Office and closely aligned with the Captain John Smith Chesapeake National Water Trail. The CBGN is a partnership system of local, state, federal, and non-governmental parks, refuges, maritime museums, historic sites, and water trails around the Bay watershed. The CBGN is coordinated by the National Park Service (NPS) in cooperation with the Chesapeake Bay Program. In six years, the Gateways Network has grown to include thousands of miles of trails and tens of thousands of acres at sites in five states and Washington DC.

Finance Plan: Virginia state offices manage funding for tourism, natural and cultural resources connected to the Network through departments' larger programs, provide a portion of grant matching funds for critical projects, participate in the advisory group to the Network, and participate in the tourism-related marketing by the Network.

PROJECT NAME: RAPPAHANNOCK RIVER VALLEY NATIONAL WILDLIFE REFUGE, VA

Requested by: The Nature Conservancy, 4245 N. Fairfax Drive, Suite 100, Arlington, VA 22203

Account/Amount: Fish and Wildlife Service, Land Acquisition: $1,500,000

Project Description: Funds appropriated to the U.S. Fish and Wildlife Service will be used to acquire 470 acres in fee and conserve another 390 acres with a conservation easement within the Rappahannock River Valley National Wildlife Refuge.

Finance Plan: US F&W is the recipient of these funds. Funds will be used by the Fish and Wildlife Services for a fee simple acquisition of the 470-acre Bower Hill property and acquisition of a conservation easement on the 390-acre Winters tract. The Fish and Wildlife Service own and manage the Bower Hill property and would hold and monitor the easement on the Winters tract.

PROJECT NAME: HAMPTON UNIVERSITY CANCER TREATMENT INITIATIVE

Requested By: Hampton University 3 Shore Road, Hampton, Virginia 23668

Account/Amount: HHS, HRSA, Health Facilities and Services: $571,000

Project Description: The Hampton University Cancer Treatment Initiative (HUCTI) will offer active and retired military personnel and their dependents world-class cancer detection and treatment facilities unique to the Hampton Roads area. HUCTI's programmatic and infrastructure components will include improved cancer prevention, detection and diagnostic services, and treatments and cures, for cancers that disproportionately affect minority communities, particularly breast cancer and prostate cancer. HUCTI's centerpiece will be a regional proton beam therapy facility with as many as four treatment bays. Proton therapy is a precise and advanced form of tumor treatment, especially useful for those previously unreachable or not treatable without inducing significant damage to healthy surrounding tissues.

Finance Plan: The State commitment is $1 million. The City has donated the land and committed $1 million. Financing through tax-exempt bonds and other equity investors has also been arranged by the University. $5 million in previous federal appropriations. Additional revenue will be generated through patients using the medical services. Total cost of project: $227 million.

PROJECT NAME: RIVERSIDE HEALTH SYSTEM, PATIENT NAVIGATOR PROGRAM

Requested By: Riverside Health System, Riverside Regional Medical System 12100 Warwick Blvd, Newport News, VA 23601

Account/Amount: Health Resources and Services Administration—Health Facilities and Services: $95,000

Project Description: Funds would be used to expand the ''Patient Navigator Program'' that will help guide hundreds of cancer patients through the complex, and often overwhelming, maze of health care treatment this year. Insurance companies will not reimburse Riverside

for its navigator program, which assists patients with understanding how to coordinate their treatment and recovery programs. Many of the patients who benefit from the Navigator program are people where the federal government is the primary payer for their treatment. These patients are often unable to cope with the sheer scope of services that need to be coordinated for successful treatment and the Navigator program provides them with key assistance.

Finance Plan: Riverside will provide at least 42% of the project's total cost in year one and ongoing costs in future years. Riverside has previously received $346,000 in federal appropriations and grants. Total cost of project: $1,000,000

PROJECT NAME: GERMANNA NURSE TRAINING PROGRAM

Requested By: Germanna Community College 10000 Germanna Point Drive, Fredericksburg, VA 22408

Account/Amount: Higher Education (includes FIPSE): $285,000

Project Description: The Germanna Nurse Training Program will educate, train and certify individuals in order to increase the pool of qualified registered nurses, practical nurses, and nursing assistants for area workforces. Germanna will also work with other colleges to encourage students to move from a certified nurse aide to a licensed practical nurse to a registered nurse. The program provides clinics on campuses as well as in hospitals, and distance learning courses that can be accessed by students almost anywhere. Upon completion, the program will provide the region with over 1,000 RNs over the next four years. This program will also work with area employers to fill jobs with graduates of the nursing training program.

Finance Plan: Equipment $250,000; Personnel $368,000; Supplies $52,000

PROJECT NAME: FREDERICKSBURG AREA MUSEUM AND CULTURAL CENTER

Requested by: Fredericksburg Area Museum and Cultural Center PO Box 922 Fredericksburg, VA 22404/1001 Princess Anne St., Fredericksburg, VA 22401

Account/Amount: Institute of Museums and Library Services: Museums and Libraries: $190,000

Project Description: The Museum seeks funds for interactive exhibits and programs which are curriculum-coordinated, grade-level targeted and correlated to education objectives outlined in the Virginia Standards of Learning (SOL). This account assists public libraries and museums in improving public services, promoting broader access for users, using technology to enhance services, and supporting collaborative efforts between libraries and museums.

Finance Plan:

Exhibit total	Fabrication costs	Graphic	Interactive/	Audio-visual
Fredericksburg at War	$440,872	65,000	198,050	703,922
Indians/River Exhibits ...	$250,982	52,000	50,000	352,982
Railways and Roadways	$56,358	36,000	38,000	130,358
Banking Exhibit	$7,859	5,000	0	12,859
Our Community	$13,626	12,000	23,000	48,626
Document Gallery	$58,303	2,500	0	60,803

The Museum has thus far raised approximately $10.3-million of its overall $12-million budget for the project. State funding: $910,000. Local funding: $700,000 from the City of Fredericksburg.

PROJECT NAME: RESTORE OYSTER HABITATS IN THE CHESAPEAKE BAY

Requested By/ Recipient: Commonwealth of Virginia and the State of Maryland

Account/Amount: Department of Commerce, NOAA Operations, Research and Facilities: $4.6 million

Project Description: Funds would be used to build the hatchery and remote setting infrastructure and to modify existing technology to the local conditions. This will insure the development of infrastructure and technology necessary to produce oysters on a commercial scale by hatchery and the remote settings throughout the Virginia portion of the Chesapeake Bay. NOAA is one of the primary federal agencies involved in oyster restoration in the Chesapeake Bay. The NOAA Chesapeake Bay Office (NCBO) is working with federal, state, and local partners in Virginia to implement large-scale restoration and to support research to better manage the diseases that plague the oyster today. NCBO funds have supported extensive evaluation, survey, and initial monitoring efforts of an expanded partnership project, which now includes the Virginia Marine Resources Commission, Virginia Institute of Marine Science, U.S. Army Corps of Engineers Norfolk District, and the Chesapeake Bay Foundation. Current efforts are focusing on the Great Wicomico River, with plans to move into the Lynnhaven River.

Finance Plan for the Commonwealth of Virginia:

Hatchery Infrastructure and Facility Incentives: $500,000

Remote Setting Facility Incentives: $200,000

Remote Setting and Hatchery Technology Development: $300,000

60,000 Bushels of Oyster Spat on Shell production: $1,500,000

(360,000,000 oysters per year)

PROJECT NAME: VIRGINIA TRAWL SURVEY, GLOUCESTER POINT, VA

Requested by: Virginia Institute of Marine Science (VIMS) Route 1208 Greate Road, Gloucester Point, VA 23062

Account/Amount: Department of Commerce, NOAA Operations, Research and Facilities: $150,000

Project Description: The Chesapeake Bay supports a variety of recreationally and commercially important finfish species. These fisheries contribute up to $500 million to the Commonwealth's economy. The Virginia Trawl Survey is a long-term program that ensures the collection and reporting of critical data on the recruitment, current and future abundance, and general ecological health of the finfish populations in the Chesapeake Bay on an annual basis. Such information is used by the various agencies, including the Atlantic States Marine Fisheries Commission and the Commonwealth of Virginia to support management of key fisheries. Proper long-term management of these finfish resources ensures stability of both the ecology of the Bay and the economic livelihood of fishery participants. Discontinuation of the Virginia Trawl Survey would violate federal law and could prompt management agencies to declare Virginia out of compliance with state mandates. The impacts of noncompliance would be devastating as several of the Commonwealth's recreational and commercial fisheries, such as those for striped bass and summer flounder, would be closed.

Finance Plan:

State funding: $64,658

VIMS funding: $367,789

Previously received over $1.2 million in federal appropriations. According to the Virginia Marine Resources Commission, the survey costs $800,000 annually to execute.

PROJECT NAME: PRINCE WILLIAM COUNTY LAW ENFORCEMENT TECHNOLOGY

Requested By: Prince William County One County Complex Court, Woodbridge, VA 22192

Account/Amount: DOJ, COPS Law Enforcement Technology: $300,000

Project Description: The scope of this project is to equip all 270 police operations vehicles with an in-car camera system, supported by appropriate staff and training resources. This will ensure that the County of Prince William, specifically the Police Department, will be able to provide a true and accurate depiction of events that occur during police contact with community members. There are significant benefits in terms of evidentiary value, liability protection, officer safety, and taxpayer savings.

Finance Plan:

Local Matching Funds: $1,626,209

Capital Equipment Purchase: $1,794,550

Operating Costs: $1,267,299

Total Project Cost: $3,061,849

PROJECT NAME: AN ACHIEVABLE DREAM ACADEMY

Requested By: An Achievable Dream, Inc., 10858 Warwick Blvd., Suite A, Newport News, VA 23601

Account/Amount: DOJ, Office of Justice Programs, Juvenile Justice: $700,000

Project Description: The 1,000 students in grades kindergarten through 12th benefit from Achievable Dreams' support of social, academic and moral curricula proven effective over 15 years of operating the public/private partnership with Newport News Public Schools. It has been a major focus of the federal government to provide support to public education to raise standards and performance. This objective is embodied through major initiatives and legislation, namely the No Child Left Behind Act. The vast majority of students enrolled in the An Achievable Dream program have an immediate family member who is in prison or a victim of violence. Newport News Sheriff's deputies and Newport News Police Officers are a daily presence at the school, providing the students with a sense of discipline and bridging the gap between law enforcement and a community that generally distrusts law enforcement.

Finance Plan: Personnel $390,000; Supplies and Equipment $260,000; Consultants, Contracts and Training $50,000

Local Matching Funds: $100,000

State Matching Funds: $427,500

Private Matching Funds: $1,500,000

PROJECT NAME: STAFFORD COUNTY PAS

Recipient of Funds/Requested by: Army Corps of Engineers, Baltimore District 31 Hopkins Plaza Baltimore, MD 21201

Account/Amount: ACOE, Investigations, PAS: $150,000

Project Description: Funding would be used to complete remaining work on Stormwater Infrastructure and Watershed management Study.

Finance Plan: ACOE Baltimore District is the recipient of the funds.

PROJECT NAME: LITTLE WICOMICO RIVER

Recipient of Funds/Requested by: Army Corps of Engineers, Baltimore District, 31 Hopkins Plaza Baltimore, MD 21201.

Account/Amount: ACOE, O&M: $870,000

Project Description: The project provides for a channel 8 feet deep and 150 feet wide from the Potomac River to deep water in the Little Wicomico River; two stone jetties, 1,000 feet and 1,300 feet long at the entrance; and 1,007 linear feet of timber bulkhead to stabilize the dredged inner channel. The project is located at the junction of the Potomac River and the Chesapeake Bay. FY2009 funds are required to maintenance dredge the project channel.

Finance Plan: ACOE Baltimore District is the recipient of the funds.

PROJECT NAME: NEW POINT COMFORT RSM DEMONSTRATION PROGRAM

Requested by: Mathews County, Virginia

Recipient of Funds: Army Corps of Engineers Norfolk District, 803 Front Street Norfolk, VA 23510

Account/Amount: ACOE, O&M: $238,000

Project Description: Complete feasibility study for National Regional Sediment Management Demonstration Project, Chesapeake Bay.

Finance Plan: ACOE Norfolk District is the recipient of the funds.

PROJECT NAME: NOAA CHESAPEAKE BAY OFFICE

Recipient of Funds: NOAA Chesapeake Bay Office

Requested by: The Conservation Fund, 1655 N. Fort Myer Dr., Suite 1300 Arlington, VA 22209–3199

Account/Amount: NOAA—Operations, Research and Facilities: $500,000

Project Description: The Chesapeake Bay Interpretive Buoy System is an existing NOAA program specific to Chesapeake Bay. The program is part of the Chesapeake Bay Observing System and the larger US Ocean and Coastal Observing System.

The system provides real-time data and interpretation to further protect, restore, and manage the Chesapeake Bay. Agencies and organizations monitoring Chesapeake Bay health recognize that continuous measurements of water quality are necessary to evaluate restoration progress.

Finance Plan: NOAA is the recipient of these funds.

System Expansion (5 buoys and sensors): $600,000

System Operations and Maintenance: $200,000

Education Materials: $200,000

Total: $1,000,000

PROGRAM NAME: READING IS FUNDAMENTAL

Recipient of Funds: Reading is Fundamental 1825 Connecticut Avenue, N.W. Suite 400 Washington, DC 20009

Account/Amount: Department of Education, National Projects: Innovation and Improvement: $24,803,000

Program Description: Reading is Fundamental is a federally-authorized national program with a priority on reaching underserved children from birth to age 8. Reading is Fundamental provides 4.6 million children with 16 million new, free books and literacy resources each year across the country. There were 454 sites in Virginia.

Finance Plan:

$5.7 million in private funds secured in 2007

$8.6 million raised in communities served in 2007

Supporting over 20,000 program sites and 340,000 community volunteers in 2007

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of FY 2009 Omnibus Appropriations Act, H.R. 1105:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES

Name of Project: Agriculture Compliance Laboratory Equipment, Delaware

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Department of Agriculture

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Description of Request: $69,000 for the Delaware Department of Agriculture to upgrade the equipment and facilities in the lab needed to provide a safe testing environment with its own ventilation system and a high-capacity incinerator to reduce the risk of zoonotic diseases from animals spreading to workers in the facility.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Name of Project: For Preliminary Engineering Assessments before Message Switcher Upgrades

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware State Police Department

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: $100,000 to update Delaware's Message Switcher hardware, which connects Delaware law enforcement to federal agencies so that they may receive critical information useful for fighting crime.

Name of Project: For the purchase and installation of In-Car Cameras and Related Equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: The Delaware State Police Department

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: $500,000 will be used for the purchase of 300 digital cameras and associated computer equipment to be placed in all Delaware State Police vehicles.

Name of Project: For the purchase of a Mobile Gunshot Locator System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware

Address of Requesting Entity: 303 Transportation Circle, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: $250,000 will be used to purchase the ShotSpotter Gunshot Location System (GLS) for the City of Wilmington, City of Dover, and the Delaware State Police. The amount of deaths resulting from gunfire continues to be the single leading cause of crime-related death in the United States, and Delaware has experienced numerous gun crimes. A 60–90 percent decrease in gunfire has occurred in other states who have utilized ShotSpotter. This system will place sensors at specific coordinates to accurately detect and locate the origin of gunshots, which can help lead law enforcement to apprehend criminals with that information. Implementing ShotSpotter in Wilmington and Dover, and having a non-fixed movable system will assist Delaware law enforcement in fighting against crime.

Name of Project: For Programs to increase the Efficiency and Effectiveness of License Plate Scanning Technology for Law Enforcement

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 3601 North DuPont Highway, New Castle, DE 19720

Account: COPS Law Enforcement Technology

Description of Request: $200,000 will be used to upgrade the wireless data throughput and mobile data terminals (MDTs) and implement an Automated License Plate Recognition System (ALPR) so that officers will more efficiently be able to access data in the field and adequately address vehicle theft.

Name of Project: To Provide Service Intervention to Girls Ages 12–18 (DE Girl's Wraparound Project)

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Children and Families First

Address of Requesting Entity: 2005 Baynard Boulevard, Wilmington, DE 19802

Account: OJP—Juvenile Justice

Description of Request: $400,000 for providing intensive home-based counseling and case management to girls ages 12–18 who have been incarcerated or are at immediate risk of incarceration. Children and Families First is a not for profit social service agency that developed in Delaware in 1992. The Girls Wraparound Program uses research-based tactics to prevent recidivism in youth with histories of juvenile delinquency. The goal of this six month program will be to not only eliminate involvement in the juvenile justice system, but also improve family functioning, and improve personal strengths to assist the girls in succeeding in school and the workforce.

Name of Project: For the Purchase of Video Surveillance Cameras in the Downtown Area

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: City of Newark, Delaware, Police Department

Address of Requesting Entity: 220 Elkton Road, Newark, DE 19711

Account: COPS Law Enforcement Technology

Description of Request: $115,420 to provide eight digital surveillance cameras in the downtown Newark area to assist in crime prevention, detection, and the identification of suspects. This large population, that is concentrated in a small area, would benefit from this surveillance program which will prevent and help catch criminals involved in street crimes and robberies. Similar surveillance programs have been implemented in other cities around the state of Delaware and have experienced tremendous success.

Name of Project: To Create a Community Model for Formal and Informal Earth and Space Education

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware AeroSpace Education Foundation

Address of Requesting Entity: 5 Essex Drive, Bear, DE 19701

Account: National Aeronautics and Space Administration

Description of Request: $500,000 to create a community model for formal and informal Earth and Space Education using two unique outdoor exhibits as a focal point for school programming, professional development and public outreach. The goal of this project is to provide schools and the general public with an inquiry-based, interdisciplinary framework of Science, Technology, Engineering and Mathematics (STEM) learning experiences.

Name of Project: To Test and Evaluate Mobile Crime Scene and Evidence Tracking Application

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware State University (DSU)

Address of Requesting Entity: 1200 North Dupont Highway, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: $2,000,000 to test the efficacy of day to day crime scene investigatory capabilities to allow greater effectiveness of law enforcement. DSU developed a Mobile Crime Scene and Evidence Tracking Pilot Project in close cooperation with State of Delaware's Department of Safety and Homeland Security, and state and local law enforcement agencies.

Name of Project: To Expand Services to At-Risk Students in Middle and High School

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Jobs for Delaware Graduates (JDG), Inc.

Address of Requesting Entity: 381 W. North Street Dover, Delaware 19904

Account: OJP—Juvenile Justice

Description of Request: $1,353,000 will be used to expand Jobs for Delaware Graduates (JDG) programs to ''at-risk'' students in Middle School and High School and increase school graduation rates. JDG was organized in 1979 as a private, non-profit corporations designed to prepare highly at-risk seniors to transition from school to work. JDG targets students who may be economically disadvantaged, lack job skills, display poor academic performance, have personal or family problems, or have disciplinary problems and works with these children daily to keep them on the right track. During the 2006–2007 school year JDG served a total of 2,322 students. Funding will help JDG expand services to 1,320 additional students; implement a middle school program for grades 7th and 8th; and increase the graduation rates for at-risk high school students.

Name of Project: To Continue a Statewide Survey of Youth that Provides Estimates of Student Substance Abuse, Crime, and Gambling

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: University of Delaware, Center for Drug & Alcohol Studies

Address of Requesting Entity: 210 Hullihen Hall, Newark, DE 19716

Account: OJP—Juvenile Justice

Description of Request: $65,000 will be used to supplement the Delaware School Survey Project to provide special analysis of juvenile substance use, violence, and delinquency.

Name of Project: Delaware River Enhanced Flood Warning System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: NOAA-Operations, Research and Facilities

Legal Name of Requesting Entity: Delaware River Basin Commission (DRBC)

Address of Requesting Entity: 25 State Police Drive, West Trenton, New Jersey

Description of Request: $235,000 to the Delaware River Basin Commission for the Delaware River Enhanced Flood Warning System. Funding for this project will be used to assist the DRBC, in conjunction with NOAA/NWS, USGS and the Army Corps of Engineers, with the enhancement of the basin's flood warning system.

DIVISION C—ENERGY AND WATER DEVELOPMENT

Name of Project: Red Clay Creek, Christina River Watershed, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $287,000 for flood damage reduction, ecosystem restoration, water quality control, and other related purposes at Red Clay Creek.

Name of Project: White Clay Creek, New Castle, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Investigations, Flood Plain Management Services

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $200,000 is listed for possible continuation of a study which would evaluate recent flooding that has occurred as a result of numerous storm events in the last several years that have caused substantial flood damages and have altered channel segments. The study would update flood plain mapping and provide other flood plain management type assistance to communities along the White Clay Creek.

Name of Project: Delaware Coast Protection, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Construction

Legal Name of Requesting Entity: DE Dept. of Natural Resources & Environmental Control

Address of Requesting Entity: 89 Kings Hwy, Dover, Delaware 19901

Description of Request: $373,000 to reimburse the state of Delaware for the Federal share of the annual operation and maintenance of the sand bypass facilities.

Name of Project: Little Mill Creek, New Castle County, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Flood Control Projects (Section 205)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: Little Mill Creek is listed among potential Section 205 projects. Funding would be used for flood mitigation on the lower reach of Little Mill Creek. Specifically, project includes revaluation of the 1995 Feasibility Report, preparation of a Supplemental Environmental Assessment and Real Estate Plan, and developing the plans and specs for the lower reach.

Name of Project: Harbor of Refuge, Lewes, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $235,000 to repair and re-enforce Harbor of Refuge Breakwater wall. Funding will be used to strengthen the most damaged spots at the south end of the mile-and-a-half long wall in a manner that should dramatically slow further deterioration at the south end of the 100 year-old structure—the National Register of Historic Properties Breakwater at the Harbor of Refuge.

Name of Project: Indian River Inlet and Bay, Sussex County, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $235,000 to determine the cause of and make repairs to severe scour holes that have developed in the areas of the Indian River Inlet Bridge, Coast Guard facility and jetties; also to perform dredging of the channel located in the Indian River Bay area, and use the material to fill scour holes.

Name of Project: Intracoastal Waterway, Delaware River to Chesapeake Bay

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $13,710,000 for operations and maintenance of the Canal, including painting Summit Bridge, repairing potholes on St. George's & Summit Bridges, and for paving and structural improvements on the 1st tier service road on the north side of the Canal.

Name of Project: Mispillion River, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $249,000 for maintenance dredging of critical shoaling areas within the 6-foot federal channel which presently pose a hazard to commercial fishing navigation channel; placement of dredged material on the shoreline, which will aid in habitat restoration that will benefit the federally threatened migratory bird, the Red Knott, and horseshoe crab; and for developing plans for replacement of the south jetty at Mispillion River.

Name of Project: Wilmington Harbor, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $3,479,000 for operations and maintenance of Wilmington Harbor and to construct cross dike at Killcohook Disposal Area and perform additional dredging. Funding was also requested for an aggressive disposal area management plan supported by both hired labor and leased equipment, and for critical dike-raising work within the disposal areas.

Name of Project: Hydrogen Storage System for Vehicular Propulsion (DE)

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: DoE, EERE, Vehicle Technologies

Legal Name of Requesting Entity: Delaware State University

Address of Requesting Entity: 1200 N. DuPont Highway, Dover, 19701

Description of Request: $1,427,250 for developing new hydrogen storage materials at Delaware State University and to test them in a hydrogen storage containment system that will be designed by scientists in the Mechanical Engineering department.

Name of Project: Mid-Atlantic River Commissions

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Expenses

Legal Name of Requesting Entity: Delaware River Basin Commission

Address of Requesting Entity: 25 State Police Drive, West Trenton, New Jersey, 06828

Description of Request: $2,365,000 to fund the Mid-Atlantic River Commissions, including the federal obligation contained in the Delaware River Basin Compact (P.L. 87–328, Article 13, Section 13.3c) to support the Delaware River Basin Commission, formed in 1961 as a federal-interstate compact commission consisting of the basin states, New Jersey, Pennsylvania, Delaware and New York.

Name of Project: Delaware River Comprehensive NY, NJ, PA & DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: $5,000 for feasibility study to develop a flood analysis model and watershed flood management plan, and evaluate the existing flood warning system for the Delaware River Basin.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT

Name of Project: New Castle County Chamber of Commerce for an Emerging Enterprise Center, business incubator

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: New Castle County Chamber of Commerce

Address of Requesting Entity: 12 Penns Way, New Castle, DE 19720

Account: Small Business Administration

Description of Request: $499,000 to be used for upgrades to the incubator will be used to outfit the Emerging Enterprise Center's incubator space with walls and office doors where they do not currently exist; construct 4,000 square feet of lab space; purchase office furniture for incubator offices; purchase conference room furniture; purchase conference room audio/visual equipment; and to fund initial operating costs including salaries and overhead for the project to become self-sufficient.

DIVISION E—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Name of Project: City of Wilmington wastewater treatment plant headworks upgrade

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: STAG

Legal Name of Requesting Entity: City of Wilmington

Address of Requesting Entity: 800 French Street, Wilmington, Delaware 19801

Description of Request: $300,000 to the City of Wilmington for the wastewater treatment plant headworks upgrade. This project will address a hydraulic limitation at the wastewater treatment plant which prevents this regional treatment plant from treating additional wet weather flows.

Name of Project: New Castle County for Old Shellpot Interceptor improvements

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: STAG

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 87 Reads Way, New Castle, Delaware 19720

Description of Request: $698,000 to New Castle County for Old Shellpot Interceptor Improvements. Funding will be used for the lining and rehabilitating of the existing Old Shellpot Interceptor, consisting of over 40,000 linear feet of pipe.

Name of Project: Green Horizons

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Forest Legacy

Legal Name of Requesting Entity: State of Delaware

Address of Requesting Entity: Tatnall Building, William Penn St., Dover, DE 19901

Description of Request: $2,000,000 for Delaware's Green Horizons Forest Legacy project. Funds will be used for Delaware to acquire and protect an additional 460 acres of undisturbed forestland and represents phase-VI of efforts to purchase and protect the remaining acreage of the Glatfelter Pulpwood Company, the state's largest private landowner.

DIVISION F—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Name of Project: Beebe Medical Center for the construction of a new School of Nursing

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Beebe Medical Center

Address of Requesting Entity: 424 Savannah Road, Lewes, Delaware 19958

Description of Request: $476,000 to Beebe Medical Center for the construction of a new School of Nursing. Funding will be used for capital improvements, including site work, architectural design, construction, and equipment. The goal of the School of Nursing Expansion is to train more nurses to care for patients in Delaware and the Delmarva Peninsula. The new 2-story building will accommodate the growth of Beebe's nursing enrollment by 100%, from 30 to 60 students in each class.

Name of Project: Christiana Care Health System to renovate and expand Wilmington Hospital's Emergency Department

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Christiana Care Health System

Address of Requesting Entity: 1501 West 14th Street, Wilmington, Delaware 19801

Description of Request: $285,000 to Christiana Care Health System to renovate and expand Wilmington Hospital's Emergency Department, and the on-campus primary care Health Center expansion project. Federal funds will help support doubling the physical size of the Emergency Department to 63,000 square feet and adding 26 treatment bays, an 87% size increase; will also support the on-campus Health Center, a primary care facility that offers adult, pediatric, dental, women's health, pre-natal, ophthalmology and podiatry health services.

Name of Project: DE Dept. of Education—Starting Stronger early childhood learning initiative

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Department of Education

Address of Requesting Entity: 401 Federal Street, Suite 2, Dover, DE 19901

Account: Fund for the Improvement of Education

Description of Request: $190,000 to the Delaware Dept. of Education for the Starting Stronger early childhood learning initiative, which will support Delaware's Vision 2015 initiative. Starting Stronger will encompass an integrated matrix of professional development, family support resources and collaborative learning experiences that are aligned with Delaware's early learning standards.

Name of Project: Delaware Division of Public Health, infant mortality reduction initiative

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Centers for Disease Control

Legal Name of Requesting Entity: Delaware Division of Public Health

Address of Requesting Entity: 417 Federal Street, Dover, Delaware 19901

Description of Request: $190,000 to the Delaware Division of Public Health for an infant mortality reduction initiative to implement eight of the State of Delaware's Task Force recommendations: Fetal Infant Mortality Review; Pregnancy Risk Assessment Monitoring System; Delaware Healthy Mother and Infant Consortium; Center for Excellence in Maternal and Child Health and Epidemiology; Access to Care; Preconception Care; Comprehensive (Holistic) Family Practice Team Model of Care; and a State-wide Education Campaign.

Name of Project: Delaware State University for facilities and equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Delaware State University

Address of Requesting Entity: 1200 N. DuPont Highway, Dover, Delaware 19901

Description of Request: $190,000 to Delaware State University for facilities and equipment. Funding will assist with the establishment of a school of pharmacy in central Delaware to aid in supplying the needed pharmacy workforce and adequately address the growing healthcare needs of the retiring population.

Name of Project: Delaware Technical & Community College for purchase of equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Delaware Technical & Community College

Address of Requesting Entity: 100 Campus Drive, Dover, Delaware 19903

Description of Request: $190,000 to Delaware Technical & Community College for purchase of equipment at each of the College's four campuses located throughout the State of Delaware (Georgetown, Dover, Stanton and Wilmington). Lab upgrades and new instructional equipment will help train students for high-demand careers in such areas as health, engineering technology, biotechnology, computer science and other technological and industrial fields.

Name of Project: Metropolitan Wilmington Urban League Achievement Matters! program

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education

Legal Name of Requesting Entity: Metropolitan Wilmington Urban League

Address of Requesting Entity: 100 West 10th Street, Suite 710, Wilmington, DE 19801

Description of Request: $190,000 for the Metropolitan Wilmington Urban League to expand the Achievement Matters! program. Funding will be used to provide community and school-based interventions for low income and minority students. The funding will help complete the final phases of the project and provide services to this community to improve retention and high school graduation rates for children, prepare students for life beyond high school, whether it is in college, the military, or in the workforce, and aim to reduce the achievement gap.

Name of Project: Capital infrastructure improvements to St. Francis Hospital

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration account

Legal Name of Requesting Entity: St. Francis Hospital Foundation

Address of Requesting Entity: 701 N. Clayton Street, Wilmington, Delaware 19805

Description of Request: $285,000 to make capital infrastructure improvements to St. Francis Hospital, including two new roofs, windows, HVAC systems, heat pumps, water lines, doors and wall penetrations.

Name of Project: University of Delaware's Delaware Biotechnology Institute

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: 107 Hullihen Hall, Newark, Delaware 19716

Description of Request: $190,000 for the University of Delaware's Delaware Biotechnology Institute, including equipment. Funding will be used to strengthen Delaware's biomedical research capabilities by building on existing programs in cancer research and bioinformatics, supporting the necessary research infrastructure, and beginning new infrastructure in cardiovascular and neuroscience research.

Name of Project: Wesley College for renovation and equipping of the nursing school

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration account

Legal Name of Requesting Entity: Wesley College

Address of Requesting Entity: 120 North State Street, Dover, Delaware 19901

Description of Request: $333,000 to Wesley College for renovation and equipping of the nursing school. Funding will be used for construction of a 22,000 sq ft facility to expand the nursing programs at both undergraduate and graduate levels and acquire new technology. Wesley's current nursing facilities are undersized, outdated, and in need of upgrading. The project will help decrease the negative impact of the nursing shortage, improve the ability of nurses to provide quality care, and to train, educate and improve productivity of the regional healthcare workforce.

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, RELATED AGENCIES

Name of Project: St. Michael's School and Nursery

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: St. Michael's School and Nursery

Address of Requesting Entity: 700 N. Walnut Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Description of Request: $285,000 for rehabilitation of the heat and air conditioning systems at St. Michael's School and Nursery. The ten large and six small HVAC units in the building were installed in the summer of 1987 and had a life expectancy of 12–15 years. Problems with the units have interrupted St. Michael's ability to provide safe and reliable service to the families it serves. The original building is 41 years old and has not been refurbished since 1995.

Name of Project: The Ministry of Caring Inc., Wilmington, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Ministry of Caring

Address of Requesting Entity: 506 N. Church Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Description of Request: $475,000 for Mary Mother of Hope House I, an emergency shelter within the Ministry of Caring, which serves the housing and supportive services needs of homeless women 18 and over who are willing to work on the root causes of their homelessness through intensive case management. This project will fund a renovation to make it handicap accessible and enhance its safety with a sprinkler and fire system. Other features include renovated living spaces on every floor, including the lower level, and an additional stairwell to the building's rear and a handicap ramp for access from a side entrance.

Name of Project: Automotive-Based Fuel Cell Hybrid Bus Program, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: 107 Hullihen Hall, Newark, DE 19716

Account: Buses and Bus Facilities

Description of Request: $475,000 for University of Delaware's Automotive-Based Fuel Cell Hybrid Bus project. Fuel-cell technology offers the potential to reduce our reliance on foreign oil supplies and to decrease the effects of harmful emissions on our environment. This project represents an effort to develop, build, and deploy a fuel-cell-powered hybrid transit vehicle, to be used within the state of Delaware. The vehicles developed in this project will be fully tested in real-life situations, and

the results will be presented to transit agencies throughout the U.S. and other interested countries. The University of Delaware transit system and the Delaware Transit Corporation are fully cooperating on this project and will be important partners throughout the course of this work effort. This project was authorized by SAFETEA-LU.

Name of Project: Indian River Inlet Bridge, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Transportation, Community, and System Preservation

Project Description: $1,900,000 to design and construct a new bridge along SR-1 over the Indian River Inlet. The design and construction will be performed utilizing the Design-Build project delivery approach. The replacement bridge will alleviate the safety risk caused by the present scour condition at the foundations. The new structure will completely span the inlet with all foundation members constructed on dry land. The proposed alignment will be west of the existing bridge at a critical evacuation route in the event of natural disasters. The project was authorized by SAFETEA-LU.

Name of Project: Easter Seals Delaware, New Castle, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Easter Seals Delaware

Address of Requesting Entity: 61 Corporate Circle, New Castle, DE 19720

Account: Economic Development Initiatives

Project Description: $142,500 for Easter Seals Delaware to construct a 25,000 square foot addition to its existing facility in New Castle County to better serve children and adults with disabilities. The addition, which is also being financially supported by foundations, the county and local businesses, will accommodate a world-class assistive technology center, therapy services for children and adults, day services for adults with disabilities and the administrative staff.

Name of Project: I-95 Toll Facility Rehabilitation and Highway Speed E-ZPass Improvements, Newark, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Interstate Maintenance Discretionary

Project Description: $2,375,000 to reconfigure the I-95 toll plaza to incorporate Highway Speed E-ZPass toll lanes. The current I-95 toll facility, which is located near the Delaware-Maryland border, experiences extremely high levels of traffic congestion at the toll facility in Newark, causing long delays, traffic accidents, and increasing air pollution in the region. This project is anticipated to reduce traffic congestion, improve overall safety, and reduce pollution by adding speed lanes and a new access way for the toll takers.

Name of Project: Chesapeake and Delaware Canal Recreation Trail, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Account: Federal Lands (Public Lands Highways)

Project Description: $570,000 for transforming over 13 miles of existing Army Corps service road on the north-side of the Chesapeake and Delaware Canal into a multi-purpose recreation trail with associated amenities (trail heads, signage, and self-composting restroom facilities, and security). Recreation at the C&D Canal was authorized in the Water Resources Development Act of 2007 (Public Law No: 110–114).

Name of Project: State of Delaware Turnpike Improvements Project

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Interstate Maintenance Discretionary

Project Description: $2,755,000 to improve the safety and efficiency of two major routes along the Northeast Corridor. The project was authorized by SAFETEA-LU and received $1,490,000 in the FY08 THUD Appropriations bill. It consists of two phases designed to improve the movement and safety of interstate, regional and local traffic through this heavily traveled intersection. The two phases include: a redesign of the I-95/SR-1 interchange and adding a fifth lane to I-95.

Name of Project: Delaware Children's Museum, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Children's Museum

Address of Requesting Entity: 100 West Street, Suite 1004 Room 7, Wilmington, DE 19801

Account: Economic Development Initiatives

Project Description: $190,000 to build Delaware's First Children's Museum. Delaware is one of only two states in the country without a museum dedicated to children. The Board of the Delaware Children's Museum is conducting a capital campaign to raise $16.55 million to build Delaware's first children's museum. Funds provided by a federal appropriation would be applied to the renovation of an existing building and the construction of exhibits at the Christina Riverfront. This project would fund construction of a 37,000 square foot museum facility that will house eight major science and technology-oriented exhibits.

Name of Project: Delaware Technical and Community College, Dover, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Technical and Community College

Address of Requesting Entity: 100 Campus Drive, PO Box 897, Dover, DE 19903

Account: Economic Development Initiatives

Project Description: $118,750 to expand the Trade & Industry building to establish an Energy Management Education Center. The center's programs will include: (a) New Associate degrees to educate energy managers and "green power" technicians; (b) New certifications in renewable energy technologies (solar, wind, geothermal, biomass), energy management, energy cost analysis and assessment, green building construction, hybrid transportation, industrial maintenance, and the only hands-on ammonia refrigeration training site east of Kansas and north of Georgia; (c) Workshops for technicians, facility managers, residential energy users, and specialized industries such as poultry and cold storage; (d) Public educational events; and (e) Demonstration labs.

Name of Project: Wilmington Housing Authority, Wilmington, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Wilmington Housing Authority

Address of Requesting Entity: 400 North Walnut Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Project Description: $475,000 for renovations of Crestview Apartments. This structure suffered the ravages of a fire in May of 2006 causing the displacement of residents, many of whom are elderly. Wilmington Housing Authority (WHA) is undertaking a major renovation project that includes structural repairs, energy efficiency measures, and the installation of a sprinkler and fire suppression system so that WHA public housing residents can have a higher standard of safe, decent housing upon the re-opening of Crestview Apartments. The exterior facade of the building was not damaged directly by the fire, however a structural assessment of the facade revealed that the concrete and steel supporting the structure is very deteriorated.

EARMARK DECLARATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROHRABACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I requested, which are included in the reported version of HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Heim Bridge Replacement Project

Account: Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Alameda Corridor Transportation Authority

Address of Requesting Entity: One Civic Plaza, Suite 350, Carson, CA 90745

Description of Request: I received $380,000 for the Alameda Corridor Transportation Authority's Alameda Corridor Project. The SR-

47 Expressway project is a joint partnership between the Alameda Corridor Transportation Authority (ACTA) and the California Department of Transportation (Caltrans) to replace the State's seismically deficient Commodore Heim Bridge over Cerritos Channel and add a four lane elevated roadway to by-pass intersections and railroad crossings. The project will replace one of the seismically deficient bridges listed on the Department of Transportation's list of structurally deficient bridges. The 2.2 mile long SR-47 Expressway project will enhance the efficient and secure movement of international trade at the nation's largest port complex, as well as reduce congestion, improve air quality and public safety. The project will provide an alternate route that will by-pass three traffic signalized intersections and five at-grade rail crossings. The SR-47 Expressway will be an attractive alternative to the I-710 and I-110 Freeways and adjoining Terminal Island bridges for truck access to local warehouse districts and rail loading facilities thus reducing congestion and improving traffic flows on the freeways. It is my understanding Caltrans will contribute $332,000,000 to the project. In addition, preliminary engineering and environmental evaluation work at a cost of approximately $13 million has been funded by available ACTA revenue bonds and other state sources. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009

Name of Project: Bluff Top Park

Account: FHWA, Transportation and Community Systems Preservation Program

Legal Name of Requesting Entity: City of Huntington Beach, CA

Address of Requesting Entity: 2000 Main Street, Huntington Beach, CA 92648

Description of Request: I received $95,000 for the city of Huntington Beach's Bluff Top Park project. Bluff Top Park bike and pedestrian trails, park facilities and access roads are key elements adding to the economic viability of the beach as a tourist attraction. If the bluff area is left in its present condition, access to and enjoyment of the beach in that area will be limited. This limitation places serious constraints on the beach facilities as an economic resource to the City, region and State. The Bluff Top Park and the adjacent bike trails are regional coastal facilities used by over 850,000 visitors per year. Approximately 11 million State, National and International visitors come to Huntington Beach annually. Tourism is a major industry in Orange County and the State of California. The City's coastline is not just an extraordinary natural resource; it also represents an economic resource for the City, the State, and the Nation that cannot be neglected. To date, the City has contributed $4.5 million for improvements to the area. The City has also received two grants totaling $858,000 for the project. Funds will be used for technical assistance to provide plans, specifications and estimates for the design of the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidate Appropriations Act for Fiscal Year 2009.

Name of Project: California Coastal Sediment Master Plan

Account: Corps of Engineers, General Investigations

Legal Name of Requesting Entity: County of Los Angeles, Beaches & Harbor Department

Address of Requesting Entity: 13837 Fiji Way, Marina del Rey, CA 90292

Description of Request: I received $822,000 for the County of Los Angeles' California Coastal Sediment Master Plan project. The California Coastal Sediment Master Plan (CCSMP) is a collaborative effort between the Corps of Engineers and a number of State/local agencies to survey the entire California Coastline to develop regional approaches to managing resources and strategies to replenish the coastline with sediment, including the Los Angeles County coastline. Over the years, human development has severally restricted the flow of sediment to the coastline (such as through sediment build up behind dams or through sediment being trapped underneath rivers/creeks that become paved flood control channels). The CCSMP when complete will provide critical assistance for properly managing and protecting California's coastal resources through strategies that lead to informed decisions and planning. The Corps will continue in FY 09 its intensive data collection effort through local public scoping meetings, along with ongoing development of GIS applications to manage the voluminous data and GIS-based sediment models in collaboration with local research universities. Some of the final products of this effort will also include an internal mapping server (IMS) webpage and development of regional sediment management plans. This plan is critical to ensure proper management, replenishment, and protection of California's coastal sediment resources through informed decisions and planning. Since the California Coastline holds important environmental, economic, cultural, and recreation benefits for the nation, halting the harmful effects of human development (both coastal and inland) is a significant national purpose. The primary non-federal sponsor for the study is the California Department of Boating and Waterways. This Department has provided all of the matching study support in the form of in-kind services. Funding for the in-kind work has come from various California State resources. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Clean Fuel Bus Purchase

Account: FTA, Bus and Bus Facilities

Legal Name of Requesting Entity: Long Beach Transit

Address of Requesting Entity: 1963 E. Anaheim Street, Long Beach, CA 90813

Description of Request: I received $950,000 for Long Beach Transit's Clean Fuel Bus Purchase project. The federal government defines a bus' useful life as twelve years and requires local transit operators to replace buses when they are determined to be at the end of their useful life. Long Beach Transit is working to replace their 40-foot diesel buses, which are at the end of their useful life as defined by FTA, with hybrid gasoline-electric buses. In addition, Long Beach Transit is located in the South Coast Air Quality Management District, which, unfortunately, ranks last in the state of California for air quality standards. This project will improve air quality, in a region that has the most need for improvement, by removing diesel buses from the road and replacing them with clean fuel buses. It is my understanding that funds will go towards the purchasing of new clean busses at a cost of $550,000 per bus. Other funds will come from the Transportation Development Act, Proposition 1B Bond, and local sales tax revenue to fund capital improvement projects. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Orange County District Attorney DNA Expansion Project

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Orange County District Attorney

Address of Requesting Entity: 401 Civic Center Drive West, Santa Ana, CA 92701

Description of Request: I received $500,000 for the Orange County District Attorney's DNA expansion project. Currently, throughout the country, law enforcement DNA laboratories are backlogged and must focus on the most violent of crimes, such as homicides and rapes. Due to these backlogs, ''volume crimes'' such as burglaries, auto thefts, auto burglaries, robberies, etc. are either ''not processed'' or significantly delayed. It is not uncommon for a residential burglary case to take a year or more to get DNA results, if the case is processed at all. In the meantime, the burglar is out in the community committing crime after crime. It is well documented that those who commit burglaries, also commit other crimes. These crimes include, but are not limited to, rapes, homicides, robberies, gang violence, drug possession and sales, carjacking, auto theft, etc. The proposed project will enable the OCDA to significantly expand its DNA collection and processing efforts. Funds would provide for three DNA mobile collection vehicles that would travel to the five branch courts in Orange County to collect DNA on site from offenders and volunteers. Funds would also provide for related equipment, supplies and DNA processing. By catching criminals with the evidence they leave behind in volume crimes, the OCDA will be preventing a series of undetected or unsolved crimes in our communities. The Orange County District Attorney anticipates significant contributions from the county towards the establishment of the project, and when fully funded funds will be used for the following:

DNA mobile collection vehicles (3 @ $300,000/each)—$900,000

DNA equipment, supplies and analysis—$1,000,000

Includes DNA kits, DNA processing and local data base populating—$1,900,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Virtual Interactive Training Center

Account: Department of Justice, OJP Byrne Discretionary Grants

Legal Name of Requesting Entity: Golden West College

Address of Requesting Entity: 15744 Golden West Street, Huntington Beach, CA 92672

Description of Request: I received $500,000 for Golden West College's Virtual Interactive Training Center. Funds will be used to purchase a virtual training facility for regional law enforcement. In particular, the Virtual Interactive Combat Environment provides a system well suited to Orange County's needs. This system enables team-based tactics, techniques, and procedures training that closely reflect live training, but at a much lower cost to departments over time. The simulator offers a cost-effective approach by creating an engaging virtual training solution. The system immerses the trainee in a realistic 3-D environment, with the sense of immersion being enhanced both by the high-fidelity situational rendering and by the ease of navigating through the environment using simple controls mounted on the tether-free simulated weapons. Golden West College will be contributing $240,000 toward the project. Fully funded, funds will be used as follows:

For the system hardware, software and simulated weapons—$463,432

For the trailer classroom—$252,221

Truck with towing package—$66,623

Training of instructors on virtual training system—$58,513

Twelve training databases and scenarios—$109,211

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Ground Water Replenishment System

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA 92708

Description of Request: I received $558,000 for the Orange County Water District's Ground Water Replenishment System. The Groundwater Replenishment (GWR) System is a jointly funded project of the Orange County Water District (OCWD) and the Orange County Sanitation District. This historic joint project is the culmination of OCWD's 75 years of experience managing the groundwater basin under north and central Orange County that supplies water to 21 cities and water agencies, and OCSD's longtime mission to protect the environment by safely treating the wastewater of over 2.5 million residents. The GWR System takes 70 million gallons of treated sewer water per day from OCSD, and puts it through an advanced purification process at OCWD which is comprised of three major components: (1) Micro-filtration; (2) Reverse Osmosis; and (3) ultraviolet light and hydrogen peroxide treatment. Once purified to levels which exceed drinking water standards, the GWR System water is either pumped through a pipeline to percolation ponds, where it naturally filters into the aquifer and blends with the groundwater, or is injected into the seawater intrusion barrier along the coast. While the groundwater basin currently provides approximately 70 percent of all water used within north and central Orange County, the GWR System will produce enough new water for over half-a-million residents, further lessening Orange County's dependence on imported waters from the Delta and the Colorado River. The GWR System is an effective response to meeting the federal mandate to decrease California's dependency on imported waters from the Colorado River, by creating a ''new'' source of water to serve an additional 560,000 residents a year in northern and central Orange County. The current method of moving water through the Delta to the pumps of the California State Water Project and Central Valley Projects is in jeopardy due to recent environmental rulings. The GWR System diminishes the region's reliance on uncertain imported water supplies. In addition to creating a reliable water source, the project creates new wastewater treatment capacity, reducing the amount of outfall during storms to the Pacific Ocean, preserving the country's vital coast, and provides all these benefits with fewer gas emissions than when importing water from the California State Water Project. Funds will be used for the Ground Water Replenishment Process Control System. It is my understanding that the following institutions plan to contribute to the project in the given amounts, State of California Department of Water Resources and Proposition 13 Grants, 2002 and 2000, $67,000,000 was funded. California State Water Resources Control Board, 2001, $5,000,000 was funded. U.S. Environmental Protection Agency, 2000, $500,000 was funded. Orange County Water District's contribution is $196,750,000 (40.5% of the total project cost) Orange County Sanitation District's contribution is $196,750,000 (40.5% of the total project cost). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Project EHR in OC

Account: DHHS, Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: AltaMed Health Services Corporation

Address of Requesting Entity: 500 Citadel Drive, Suite 490, Los Angeles, CA 90040

Description of Request: I received $95,000 for AltaMed's Electronic Health Records project. The project is designed to build the infrastructure for two clinic sites in the 46th Congressional District. The clinics will enhance quality of care through the installation of electronic health records, video conference, and advanced patient management systems. These installations will promote patient safety and higher quality services from more efficient clinic operations. Project HER in OC fulfills the federal mandate on Uniform Health Information Technology which requires all healthcare providers receiving federal funds to adopt quality measurement tools and uniform information technology standards for measuring and reporting treatment outcomes, registering patients, reporting lab results, writing prescriptions and providing secure electronic communications between patient and doctors. Funds will be used to cover the purchase and installation of video conferencing, advanced patient management, and electronic health records systems at two clinics in the 46th district of California. AltaMed has provided a total of $1,033,000 to the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: I-405 Widening Project

Account: Federal Highway Administration (FHWA), IM—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92868

Description of Request: I received $380,000 for Orange County Transit Authority's I-405 widening project. OCTA has successfully completed a major investment study (MIS) for the Interstate 405 (I-405) Freeway. Funding is requested to support capacity improvements in each direction of the facility, adding up to two lanes from Euclid Street in Fountain Valley to Interstate 605 (I-605) near the Orange County/Los Angeles County border. Prior federal funding has fully supported the environmental phase of this project, which is currently being initiated by OCTA. This request is to secure the necessary funding for the next phase, which is the final design of the project. The project is considered for other funding sources including State Transportation Improvement Program (STIP) and Measure M (local sales tax). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Long Beach Desalination Project

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Long Beach, CA Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, Ca 90807

Description of Request: I received $1,057,000 for the Long Beach Water Commissioners' Long Beach Desalination Project. Long Beach desalination represents the federal government's national interest in making desalination of seawater a viable, cost-effective and environmentally responsive option for supply reliability along the coast of California. Seawater desalination will not be seen by The Congress, the California State Legislature, regulatory agencies, private sector interests or the public as a viable, cost effective and environmentally responsive option for municipal water supply reliability in the United States until advances are made and existing processes optimized in on-going research and development, funded through programs like the Long Beach Desalination Project. The project is a constructed, large-scale, fully operational seawater desalination research and development facility located in urban/coastal Southern California. The research conducted at this facility is the most important and advanced, large-scale analysis being conducted anywhere in the nation at this time, to include facility design and construction, permitting, operations, water quality, distribution system integration and alternative intake and outfall systems. If fully funded, funds will be used in the following manner:

$100,000—US Bureau of Reclamation

$600,000—UV & C12 Research

$1,000,000—Post Treatment Corrosives Testing

$1,050,000—Under Ocean Floor Intake Demonstration System Construction

It is my understanding the following amounts will be contributed to the total cost of the project.

State of California, Department of Water Resources, Proposition 50—$3,000,000; Long Beach Water—$4,000,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Long Beach Water Reuse Project

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Long Beach, CA Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, Ca 90807

Description of Request: I received $634,000 for the Long Beach Board of Water Commissioners' Long Beach Water Reuse Project. Funds would go to construction of Phase 2 of a 4 phased reclaimed water expansion project moving use of reclaimed water from 4,585a/f to 16,677 a/f per year; extending reclaimed water service to the Alamitos Seawater Barrier and to two of the largest power generation plants in Southern California. Dependable water supplies for Southern California are becoming more difficult to develop and maintain. Continued reliability of traditional imported water sources such as the Colorado River and northern California is unclear. These sources cannot provide urban water supply agencies the certainty they must have in order to maintain a clean, reliable and affordable supply of water for its customers. Continued population growth within the Colorado River Basin is reducing the amount of water that has historically been available to populated areas like southern California. The necessity for southwestern regions in the United States to develop new sources and to fully utilize existing sources, and conservation, is very evident. This includes fully developing and expanding use of reclaimed water supply systems. Under a funding agreement signed in 2000, the Bureau of Reclamation will fund up to 25 percent (with a cap of $20,000,000) of the Long Beach Water Reuse Expansion Project's total cost of $35,200,000. To date, not including this request, the Long Beach Water Department has received a total of $4,000,000 under this funding agreement, for its reclaimed water system expansion. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Santa Ana River Mainstem Project

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received $14,000,000 for the Orange County Santa Ana River Mainstem Project. The Santa Ana River Mainstem Project including Prado Dam (Project) was authorized under the Water Resources Development Act (WRDA) of 1986, and Section 309 of WRDA, 1996. The Project involves construction, acquisition of property rights, relocations, environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties. The flood control districts of these counties are the Local Sponsors who are responsible, with the Department of the Army, for implementing the Project. The Corps considered the Santa Ana River as the worst flood threat west of the Mississippi River. In 1980's, the Corps estimated that 3 million people and 110,000 acres would be impacted, with potential loss of 3,000 lives and $15 billion in economic losses (1987–8 price level.) Estimated impacts and loss (without the Project being constructed) would be much greater with current population growth and value of land and structures. In addition to protecting a large, highly populated and rapidly growing area of Southern California, the Project has and will improve protection of major transportation corridors. The Local Sponsors and State of California Flood Subvention Fund will provide other matching funds as follows. Non-Federal Total Contribution: Per Corps 2/2007 Report: Local Sponsor Share $599,000,000 (33.9%). If State reimburses 70% of Local Sponsor cost, then State contribution would be $419,300,000 (23.8%) and Local Sponsors net contribution would be $179,700,000 (10.1%) of Total Project Cost. Non-Federal Contribution in 2009:OCFCD Est. Contribution=$75,000,000 (4.2%). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Huntington Beach Senior Center

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Huntington Beach, CA

Address of Requesting Entity: 2000 Main Street, Huntington Beach, CA 92648

Description of Request: I received $142,500 for the city of Huntington Beach's Senior Center project. The City of Huntington Beach's existing senior center is located at 17th Street and Palm Avenue. Due to the City's expanding senior population, the current facility is overcrowded and too small to meet the needs of the growing population. To this end, a larger facility is needed to address the future growth of the senior population in Huntington Beach. The City plans to build the facility to meet Leadership in Energy Efficiency Design (LEED) with environmentally "Green" building material, furnishings and equipment. Funds will be used for the preparation of plans and specifications needed to create environmentally "Green" or LEED certified elements to the senior center. $80,000 has been received from a private donation which will be used for the construction phase of the project or to help furnish the completed building. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Smart Timer Irrigation Controllers

Account: Natural Resources Conservation Services, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 18700 Ward Street, PO Box 20895, Fountain Valley, CA. 92728

Description of Request: I received $134,000 for the Municipal Water District of Orange County's Smart Timer Irrigation Controllers system. "Smart" Irrigation Controller Technology assists customers in delivering the appropriate amount of water to landscapes based on soil, slope, type of landscape and changing weather conditions. Funding will be used to expand an existing $2.2 million program launched in 2004 (FY05) to distribute an additional 5,500 Smart Irrigation Controllers by the end of 2011 to the highest water using residential and commercial properties in the County. Overall program funding goes towards providing a rebate administrator to market the program in conjunction with MWDOC staff time and for hire of the Mission Resource Conservation District to assist with the program implementation and installation verification. Some of the funding may go towards purchasing the irrigation timers to allow acceleration of the installation program. The expected costs for expanding the program by about 1800 controllers over the next year would cost:

Rebate Administrator costs: $1,350,000

Resource Conservation Districts $240,000

Printing mailing: $50,000

Total: $1,640,000

The Municipal Water District of Orange County will contribute $900,000 to the project. Other local agencies will contribute $180,000, and site owners and participants $60,000. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Surfside, Sunset, Newport Beaches

Account: Corps of Engineers, Operations & Maintenance (O&M)

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received $546,000 for Orange County's Surfside, Sunset, and Newport Beach program. The project extends along the Orange County coast 17 miles from San Gabriel River mouth down coast to Newport Bay Harbor entrance. Eleven stages of construction have been completed including groins and beach fill. Periodic beach nourishment with no time limit on Federal aid was authorized by Public Law 87–874, as recommended by House document 602. The feeder beach at Surfside-Sunset receives approximately 1.8 million cubic yards of sand every 5 years. This is an on-going project by the U.S. Army Corps of Engineers to mitigate damage to Orange County coastline caused by construction of Federal navigation and flood control works in Long Beach and Anaheim Bay. Severe shoreline erosion resulted from storms in 1980, 1981, 1982, 1995 and 1998. Other funding sources towards the total cost of the project are anticipated as follows:

State of California Department of Boating and Waterways 24.5%

City of Newport Beach 2%
City of Huntington Beach 1%
Surfside Colony 0.5%
County of Orange 5%

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: I received $238,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and other major gifts. It is also my understanding funds will be used consistent with the following.

Site work: $407,500
Shell & Minimal Core $4,087,000
Core & Systems $1,911,000
Basement Premium $232,500
500 SF total @132.66/SF
Total $6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: DHHS, Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: I received $95,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and other major gifts. It is also my understanding funds will be used consistent with the following.

Site work: $407,500
Shell & Minimal Core $4,087,000
Core & Systems $1,911,000
Basement Premium $232,500
500 SF total @132.66/SF
Total $6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRABACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Westminster (East Garden Grove) Watershed, CA

Account: Corps of Engineers, General Investigations

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received $860,000 for Orange County's Westminster (East Garden Grove) Watershed project. Flood damages along the East Garden Grove-Wintersburg Channel affect residential, commercial, and industrial development located in an 81 square mile watershed, impacting eleven cities in Orange County. Over 20,000 property owners are currently required to participate in the National Flood Insurance Program, while aging levees jeopardize thousands of additional property owners. The study will investigate innovative methods to provide flood protection in combination with improved ecosystem functioning and water quality. Over 20,000 property owners are currently mandated by the Federal government to pay flood insurance because of inadequate flood protection in this watershed. Taxpayer funds are used to rebuild private property and public infrastructure every year that flood damages occur. This comprehensive study is developing innovative, sustainable solutions to flooding, water quality, and environmental problems in this watershed. Those solutions will provide more cost-effective approaches than currently exist, and contribute to the National Economic Development as well as National Ecosystem Restoration Plan. It is the mission of the Army Corps of Engineers (Corps) to provide flood protection, navigation, and ecosystem restoration in meeting these criteria. It is my understanding the County of Orange, CA will contribute $1,740,000 to the project. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

DIVISION A: AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Fire Blight Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $500,000 for fire blight research at Michigan State University. Approximately, $148,000 is for the salaries of laboratory and field research personnel; and $36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of $52,500 in FY09.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Armillaria Root Rot Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $150,000 for research of Armillaria Root Rot. Approximately, $110,000 is for the salaries of laboratory researchers; $19,000 is for operating costs; $1000 is for travel to field sites; and $20,000 is for equipment necessary.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Bovine Tuberculosis Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $356,000 for research of Bovine Tuberculosis. Approximately, $274,252 is for Salaries and support for 3 graduate students; $72,978 is for Laboratory supplies; and $8,770 for research related travel. Michigan State University will provide $127,500 in-kind funding.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Improved Fruit Practices

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $212,000 to improve fruit practices for sugar beets and dry beans. Approximately, $131,440 is for salaries and expenses and $80,560 is for lab maintenance and equipment. In addition to the federal funds provided by this grant,

this research is supported by personnel, equipment, and facilities funded by the Michigan Agricultural Experiment Station and Michigan State University Extension.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Sustainable Agriculture

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $387,000 to enhance the environmental sustainability of food and agricultural systems under research at Michigan State University. Approximately, $385,000 is for salaries of 11 researchers; $15,000 is for travel expenses; $10,000 is for farmer stipends; $25,000 is for materials and supplies; and $65,000 is for communication and outreach. Michigan State University expects to leverage at least $150,000 in state, local, and private funds to expand the impacts of the special grant.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Wood Utilization

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $6,850,000 for wood utilization with Michigan's share being—$728,545. The requested funds will be used for salaries of key personnel and graduate students. Grant funds will also be used to purchase equipment, materials and supplies needed. Michigan State University provides in excess of $500,000 in support of this project annually through use of lab space, equipment, and personnel assigned to the project.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Cellulose Conversion Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of $625,000 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Grant funds will be used for salaries, materials and supplies and for equipment purchases and travel costs.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Soil Erosion Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Natural Resources Conservation

Address of Requesting Entity: 2805 S. Industrial Hwy, Suite 100, Ann Arbor, MI 48104

Description of Request: Provide funding of $404,000 for reducing soil erosion and controlling sediment. Grant funds will be used for salaries, materials and supplies and for equipment purchases and travel costs.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Phytophthora Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide $346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension.

DIVISION B—COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

City of Lansing—Law Enforcement Technology

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Lansing

Address of Requesting Entity: 124 W. Michigan Avenue, 9th Floor, Lansing, MI 48933

Description of Request: To provide $3,125,000 to enable the procurement of crime-fighting technology critical to the safety of the community. Approximately 35% for a Fiber Optic Communications Network; 25% for an In-Car Video Camera System; 20% for a Public Video Surveillance System; 10% for a Patrol Vehicle Laptop Workstation Replacement; and 10% for a Detention Camera Replacement. This request is consistent with the intended and authorized purpose of the COPS Law Enforcement Technology account. At least $500,000 in local City of Lansing funds will be provided as matching funds. Lansing public safety capabilities lag current standards in law enforcement, and require upgrading in order to best secure the jurisdiction. Through support requested of the federal government, the City of Lansing would be able to realize significant integrated upgrades.

DIVISION C—ENERGY AND WATER DEVELOPMENT

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency

Legal Name of Requesting Entity: The City of Mason

Address of Requesting Entity: 201 West Ash Street, Mason, Michigan, 48854

Description of Request: Provide $500,000 to construct a water treatment plant for the City of Mason to enable them to reach the federal water compliance requirements. Total estimated cost of the project $8,900,000. The amount requested was $2,000,000 This project has never previously received federal funds. The City of Mason will provide a minimum of a 50/50 cost share and this funding will come directly from the City.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Environmental Protection Agency's Science and Technology Account

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology Research

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide $750,000 for research and commercialization for clean energy, national energy security, and a cleaner environment. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Department of Energy's Solar and Renewable Energy Account

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology Research

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide $3,806,000 for research and commercialization for clean energy, national energy security, and a cleaner environment. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Department of Energy

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI, 48824-9190

Description of Request: Provide $475,750 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Funds will cover salaries; materials and supplies; and equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers

Legal Name of Requesting Entity: The City of Lansing

Address of Requesting Entity: 124 W. Michigan Ave, Lansing, MI 48933

Description of Request: Provide $500,000 for Grand River Waterfront Restoration—next

phase planning activities based on 2004 Corps Pre-Planning Reconnaissance Study for Grand River shoreline and habitat restoration, including potential modifications to Moores and North Lansing Dams.

DIVISION D: FINANCIAL SERVICES AND GENERAL GOVERNMENT

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account:

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide $100,000 for the development of a Micro Business Incubator at Cleary University in Howell, Michigan. Approximately $80,000 of the funding will go toward the acquisition of a suitable adjacent building, $11,000 of the funding will go toward renovations and $9,000 will go toward office equipment.

DIVISION E—INTERIOR, ENVIRONMENT AND RELATED AGENCIES:

City of Mason Water Treatment Plant

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number H.R. 1105

Account: STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Mason, Michigan

Street Address of Requesting Entity: 201 West Ash St. Mason, MI 48854

Description of Request: City of Mason Water Treatment Plant $500,000.00 The purpose of this project is to construct a water treatment plant for use by the City of Mason. The Water Treatment facility is necessary to comply with federal water safety regulations.

The Consortium for Plant Biotechnology Research

Requesting Member: MIKE ROGERS (MI)

Bill Number H.R. 1105

Account: Science and Technology

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology

Mailing Address: PO Box 20634 St. Simons Island, GA 31522

Description of Request: $750,000 for research and commercialization of clean energy technologies. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

SUBTITLE F: LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Lansing Community College—Military Medic Transition Program

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: Fund to Improve Post-Secondary Education

Legal Name of Requesting Entity: Lansing Community College

Address of Requesting Entity: 210 W Shiawassee St, Lansing, MI 48933

Description of Request: To provide $450,000 to create a Military Medic Transition Program to allow military medics to transition first to civilian paramedic certification and then through a fast-track nursing program. Approximately $200,000 for curriculum development; $200,000 for personnel; and $50,000 for recruiting and marketing. This request is consistent with the intended and authorized purpose of the Fund to Improve Post-Secondary Education account. In a short period of time, this innovative program has the ability to provide fast-track training to job seekers and assistance to hospitals and first responders in filling their vacancies. The potential impact of this program has been recognized by the State of Michigan Department of Labor and Economic Growth, Primia Civitas Foundation, Sparrow Health Care Systems, Capitol Health Care Employment Council, and Delhi Township Fire Department; all whom have indicated their support for this initiative.

Oakland Community College—Emerging Sectors Consortium

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 1105

Account: Employment and Training Administration

Legal Name of Requesting Entity: Oakland Community College

Address of Requesting Entity: 2480 Opdyke Road, Bloomfield Hills, MI 48304-2266

Description of Request: To provide $425,000 for an educational consortium to support the economic transformation in Michigan from manufacturing to knowledge-based. Approximately $200,000 is for Salaries, Wages and Benefits; $50,000 for consulting services; $100,000 for Consortium Subcontracts; $35,000 for supplies and materials; $30,000 for technology and equipment; and $10,000 for communication and printing. The focus of the project in 2009 will be expanding the consortium from supporting Oakland County's ''Emerging Sectors'' initiative to supporting workforce and economic development initiatives throughout southeast Michigan. This request is consistent with the intended and authorized purpose of the Employment and Training Administration account. The project is a continuation and expansion of an FY2008 appropriation. The project is supported by the Education and Workforce Committee of the Oakland County Business Roundtable, Oakland County government, local and state economic development entities and the Workforce Development system. The Oakland County Michigan Works! Agency is underwriting the cost of a skills assessment inventory—a critical foundational piece for the Educational Consortium—at cost of $280,000.

Cleary University—Distance Learning Technology

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 1105

Account: Fund for the Improvement of Postsecondary Education

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide $600,000 for technological infrastructure improvements for its Distance Learning Model. Approximately $150,000 for a virtual classroom; $135,000 for mobile computer labs and equipment; $120,000 for a multimedia production studio; $85,000 for faculty training; $80,000 for computer servers; and $30,000 for software licenses. This request is consistent with the intended and authorized purpose of the Fund for the Improvement of Postsecondary Education account. By expanding and extending Cleary's services and programs throughout the region, the University can continue to educate area adults seeking a fresh start in a different industry or profession. The enhancement and extension of Cleary's distance delivery model has tremendous support from current as well as prospective students.

SUBTITLE I: TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES

Widening of Baldwin Road, Orion Township Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Road Commission of Oakland County

Address of Requesting Entity: 31001 Lahser Road, Beverly Hills, Michigan 48025

Description of Request: Provide funding of $237,000 for the purchase of right of ways necessary to complete the widening of Baldwin Road from two lanes to a four lane boulevard between Brown Road and Waldon Road, a distance of 2.0 miles as access to the I–75 interchange. This project P.E. is funded with previous congressional budget appropriations and High Priority Program funds from SAFETEA–LU.

Latson Road Interchange, City of Howell Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Michigan Department of Transportation

Address of Requesting Entity: Michigan Department of Transportation, 425 W. Ottawa St. Lansing, MI 48909

Description of Request: Provide funding of $570,000 for the purchase of right of ways necessary to complete the construction of an interchange and overpass at the interchange of Interstate 96 and Latson Road.

Commuter Bus Purchase, Capital Area Transportation Authority, Lansing, Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: 5309

Legal Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of $1,900,000 for the purchase of approximately 3 40 foot hybrid buses, 2 60 foot hybrid buses, 2 small buses, 2 rural service buses and 7 Mini-Hybrid fan systems.

Bus Storage Facility Construction Purchase, Capital Area Transportation Authority, Lansing, Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: 5309

Legal Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of $712,000 for the renovation and expansion of the existing bus storage facility. The funding will be distributed such that 50% will pay for

renovations and 50% for expansion construction that will extend the useful life of the facility.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: National Forest Service

Legal Name of Requesting Entity: Land Between the Lake National Recreation Area

Address of Requesting Entity: 100 Van Morgan Drive Golden Pond, KY 42211

Description of Request: The Land Between the Lake National Recreation Area is a premier tourist attraction in Kentucky which continues to thrive under Forest Service management. It has been managed in concert with the provisions of the original LBL Protection Act. This money ($8,200,000) will be used for much needed maintenance at the facility, especially debris cleanup after the recent ice storm through the Commonwealth. The Forest Service will be receiving this money to be used at the Land Between the Lakes National Recreation Area. The total amount will be used for scheduled maintenance at the recreation area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Pennyrile Narcotic Task Force

Address of Requesting Entity: 511 South Main Street, Hopkinsville, KY 42240

Description of Request: The Pennyrile Narcotics Task Force (PNTF) covers a 20 county area. Based in Hopkinsville, Kentucky, it is a law enforcement organization dedicated to fighting the spread of drugs and, in particular, methamphetamine production, trafficking, and abuse. According to the El Paso Intelligence Center (EPIC), Kentucky currently ranks sixth nationally in the number of law enforcement responses to meth-related incidents. These funds ($500,000) will allow the task force to purchase materials and pay for manpower to educate people in the school systems, health departments, law enforcement agencies, and civic organizations on the dangers of methamphetamine. These funds are vital to eliminating the threat of illegal drugs in Kentucky's First Congressional District. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Investigations

Legal Name of Requesting Entity: City of Paducah

Address of Requesting Entity: 300 South 5th Street, Paducah, KY

Description of Request: This money ($143,000) will be used for rehabilitation of the current flood control system involving repair and replacement of pumping station equipment, corrugated pipes, concrete, and other appurtenant features. This is considered a levee safety issue in this City and is in dire need of repair. The entity receiving the money is the City of Paducah in Kentucky. The total amount will be used in FY 2009. The City has already committed $2 million to the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070 Nashville, TN 37202–1070

Description of Request: The Kentucky Lock and Dam Addition project consists of constructing a completely new lock and dam structure and was authorized in the 1996 Water Resources Development Act. The amount appropriated ($22,300,000) will be specifically spent on the superstructure to facilitate traffic over the Tennessee River. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070 Nashville, TN 37202–1070

Description of Request: The Wolf Creek Dam Rehabilitation project is to rehabilitate the Dam that is failing on the Cumberland River. This project was one of six dams across the nation that was identified by the Army Corps of Engineers that is in dire need of rehabilitation. The earmark ($54,554,000) will be used to further the rehabilitation. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Louisville Army Corps of Engineers

Address of Requesting Entity: 600 Martin Luther King Place Louisville, Kentucky 40202

Description of Request: The project consists of twin 110 foot wide by 1200 foot long dock chambers, five tainter gates and boat operated wicket navigable pass that can be raised or lowered for navigation purposes. This project was authorized in the 1989 Water Resources Development Act and the funding in the bill was for FY 2009 is $109,194,000. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Uranium Enrichment Decontamination and Decommissioning Fund

Legal Name of Requesting Entity: Department of Energy

Address of Requesting Entity: Washington, D.C.

Description of Request: The funds ($116,446,000) will be used to accelerate the removal of over 50 years of legacy waste and contamination stemming from the production of enriched uranium. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Other Defense Activities—Health, Safety, and Security

Legal Name of Requesting Entity: Department of Energy

Address of Requesting Entity: Former Worker Screening Programs in the Office of Health, Safety, and Security located in Washington, D.C.

Description of Request: The Department of Energy will receive this money ($999,075) and it will be used to assess the health of former DOE workers in order to detect selected occupational illnesses at an early stage. The total amount of the money will be used by DOE to ensure the welfare of employees at the plant. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Breathitt Veterinary Center (BVC)

Address of Requesting Entity: 715 North Drive in Hopkinsville, KY 42241

Description of Request: The entity receiving this money ($95,000) is Murray State University Breathitt Veterinary Center (BVC) located in Hopkinsville, Kentucky. The funds will be used to upgrade and expand research technology and allow for acquisition of equipment and supplies to facilitate teaching capacity at the BVC. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Museums & Library

Legal Name of Requesting Entity: Livingston County Library Board

Address of Requesting Entity: P.O. Box 70, Smithland, KY 42081

Description of Request: The entity receiving the money ($190,000) is the Livingston County Library Board. The funds will be used to purchase books, equipment, and update technology at a new library center. Funding to construct or purchase the facility will be provided by government at the local or state level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Kentucky Transportation Cabinet

Address of Requesting Entity: 200 Metro Street in Frankfort, Kentucky 40622

Description of Request: The entity receiving the money ($2,280,000) is the Kentucky Transportation Cabinet in Frankfort, Kentucky, but the money will be used between Hopkinsville, Kentucky and the Interstate 24 connection near the Kentucky/Tennessee border. The Pennyrile Parkway Extension project will provide a critical missing link in the highway system of Western Kentucky. By connecting the Pennyrile Parkway, a National Highway System route, with Interstate 24 near Fort Campbell, both routine regional travel and special

national defense deployment needs can be better accommodated. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Adair County, Kentucky

Address of Requesting Entity: 424 Public Square in Columbia, Kentucky 42728

Description of Request: The entity receiving the money ($166,250) is Adair County, Kentucky. The funds will be used to establish a City of Columbia/Adair County Community Senior Wellness Center to serve the needs of the elderly community to further enhance the quality of life in the rural community at the Senior Center. The center will serve as a facility to enable seniors to facilitate health and educational services in the community. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Metcalfe County, Kentucky

Address of Requesting Entity: 100 East Stockton Street in Edmonton, Kentucky

Description of Request: The entity receiving the money ($95,000) is Metcalfe County. The funds will be used to expand the current facility to meet the increasing needs of the community by relocating to a larger building already owned by the County to accommodate the needs of a successful operation already in place. In preparing for those needs, the day care center applied for a license to operate as a medical model day care center facility and recently received that license. Currently, the day care center is only able to serve 6 to 7 clients per day, but direly needs to expand. These funds will allow that expansion for the community to serve medical, educational, and day care services needs. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Casey County, Kentucky

Address of Requesting Entity: 768 South Wallace Wilkinson Blvd in Liberty, Kentucky

Description of Request: The entity receiving the money ($190,000) is Casey County, Kentucky. The funds will be used to finish the parking area and lighting at the Casey County Agriculture Exposition Center. These funds will complete the project that received funding in 2004. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Murray-Calloway Transit Authority

Address of Requesting Entity: 607 Poplar Street Suite B in Murray, KY 42071

Description of Request: The entity receiving the money ($1,496,250) is the Murray Calloway Transit Authority in Murray, Kentucky. The funds will be used to design a Route System Project to be a more convenient service for many transit-dependent riders, which will allow for more flexibility for transit services. This project has been nationally recognized. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Fulton County Transit Authority

Address of Requesting Entity: 300 Eastwood Dr in Fulton, KY 42041

Description of Request: The entity receiving the money ($237,500) is the Fulton County Transit Authority located in Fulton, Kentucky. The funds will be used for radios and Wheelchair Vans, Mini Vans, Sedans, and passenger vans, as well as GPS units for their vehicles. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act.

GREAT LAKES WATER EDUCATION STEM PROJECT

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Great Lakes Science Center

Address of Requesting Entity: 601 Erieside Avenue, Cleveland, Ohio 44114 USA

Description of Request: Provide an earmark of $500,000 for the development, hosting, and educational programming for Water: H2O Equals Life to provide STEM education to K–12 school children. The program will provide overnight educational camp-ins, teacher professional development, outreach, and quarterly day-camps that teach global water policy. Approximately, $250,000 is for the development of the Water Exhibition partnership at the Great Lakes Science Center; $250,000 is for design and content development. The Great Lakes Science Center is committed to contributing $250,000 to this project.

OHIO ENVIRONMENTAL INFRASTRUCTURE, AUSTINBURG TOWNSHIP

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Ashtabula County Department of Environmental Services

Address of Requesting Entity: 25 West Jefferson St., Jefferson, Ohio 44047 USA

Description of Request: Provide an earmark of $700,000 for construction of a wastewater collection system in central Austinburg Township, Ashtabula County, Ohio, extending north, south, east and west from the intersection of SR 307 and SR 45. The Ohio EPA ordered the township to construct a public sanitary sewer collection system to eliminate unsanitary conditions followed by a County Health Department study that revealed numerous failed sewage disposal systems and high concentrations of fecal coli form bacteria in storm drains that flow into the Grand River, a major watershed of Lake Erie. Approximately, $10,500 is for wetland delineation; $616,000 is for installation of the collection system; $70,000 is for construction management, and $3,500 is for environmental review.

OHIO ENVIRONMENTAL INFRASTRUCTURE, MADISON

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Madison Township

Address of Requesting Entity: 2065 Hubbard Road, Madison, Ohio 44057 USA

Description of Request: Provide an earmark of $200,000 to extend a primary water line to replace wells that have water quality issues. The service area currently runs seasonably dry. Approximately, $200,000 is for construction of the water line at McMackin Road. Local resident assessments are committed to a 25 percent match.

OHIO ENVIRONMENTAL INFRASTRUCTURE, THOMPSON SEWERAGE PROJECT

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Geauga County Department of Water Resource

Address of Requesting Entity: 470 Center Street, Building 3, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of $300,000 for collecting and transporting generated waste water to a waste water treatment plant. The project was prompted by failing septic systems that are posing health risk to residents and violating environmental laws stemming from the Clean Water Act. The project is supported by the Ohio EPA. Approximately, $145,000 is for engineering and $155,000 is for construction.

HATTIE LARLHAM RESEARCH INSTITUTE

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: Hattie Larlham Autism Preschool

Address of Requesting Entity: 9772 Diagonal Road, Mantua, Ohio 44255 USA

Description of Request: Provide an earmark of $238,000 for evidence-based services for preschool-aged children with a primary diagnosis of autism. The intensive, early intervention services aim to provide personal independence and social responsibility for autistic children to enable a successful transition to kindergarten with minimal support needs. Support services are strained in the State as 1 out of every 150 American children is diagnosed with an Autism Spectrum Disorder, according to 2007 data by the CDC. Approximately, $198,000 is for occupational and speech therapy services; $40,000 is for equipment, classroom space and teaching supplies.

LAKELAND COMMUNITY COLLEGE REGIONAL HEALTH WORKFORCE DEVELOPMENT

Account: Higher Education

Legal Name of Requesting Entity: Lakeland Community College

Address of Requesting Entity: 7700 Clocktower Drive, Kirtland, Ohio 44094 USA

Description of Request: Provide an earmark of $333,000 for supporting construction of new classrooms and labs, equipment, and development of a Health Information Technology Associates Degree program. This project will have a positive impact on workforce development and healthcare cost-containment in Lake and surrounding counties by creating a pipeline of new skilled workers in nursing and allied health students with a focus on emerging technologies that train new and existing

healthcare workers to use health state-of-the-art medical technologies. Approximately, $276,000 is for nursing and paramedic lab and classroom space and $57,000 is for equipment. Lakeland Community College will contribute a 1:1 nonfederal dollar match.

GLENBEIGH HOSPITAL OF ROCK CREEK

Account: Substance Abuse and Mental Health Services Administration—Substance Abuse Treatment

Legal Name of Requesting Entity: Glenbeigh Hospital of Rock Creek

Address of Requesting Entity: 2863 Route 45, Rock Creek, Ohio 44084 USA

Description of Request: Provide an earmark of $190,000 for expanding the capacity for extended care at the Rock Creek campus. Current program spaces for this counseling-based model that provides patients with the opportunity to regain independent living skills while continuing to benefit from counseling and recovery programs, is very limited. Approximately, $190,000 is for doubling the capacity in both the men's and women's residential recovery programs.

LAKE METROPARKS GREENWAY CORRIDOR OVERHEAD CROSSING OF NORFOLK AND SOUTHERN RAILROAD

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Lake Metroparks

Address of Requesting Entity: 11211 Spear Road, Concord Township, Ohio 44077 USA

Description of Request: Provide an earmark of $570,000 for constructing an overhead crossing over the Norfolk & Southern Railroad tracks located west of Liberty Street in Painesville, OH. The crossing will create a safer and more appropriately linked trail facility which in turn will increase usage of this section of the facility given its proximity to new schools in the City of Painesville. Approximately, $500,000 is for construction; $60,000 is for engineering and design, and $10,000 is for right of way permits.

PEDESTRIAN AND ROADWAY IMPROVEMENTS TO THE NORTH, MILL, AND CLEVELAND STREETS CORRIDOR

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Village of Chagrin Falls

Address of Requesting Entity: 21 West Washington Street, Chagrin Falls, Ohio 44022 USA

Description of Request: Provide an earmark of $380,000 for pedestrian and roadway improvements to the North Street, Mill Street, and Cleveland Street corridor. This roadway network will connect the north and south sides of the Village, providing safe access and links to existing public sidewalks to the public schools, businesses, churches and nature preserve. Approximately, $380,000 is for construction, including repair and resurfacing of existing asphalt pavement; repair and/or replacement of existing brick roadway; alignment of a storm drainage system, and construction of new sidewalks as needed.

TRAFFIC SIGNAL PREEMPTION SYSTEM (TSPS)

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Willoughby

Address of Requesting Entity: 37000 Euclid Avenue, Willoughby, Ohio 44094 USA

Description of Request: Provide an earmark of $85,500 for providing intersection right-of-way to authorized emergency vehicles. The current TSPS are so outdated that equipment is not available to make repairs. The requested TSPS locations are all located on major routes to a large acute care hospital, LakeWest Hospital. Approximately, $45,500 is for equipment and $40,000 is for installation.

METROPARKS SERVING SUMMIT COUNTY, AKRON, OH

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Metro Parks Serving Summit County

Address of Requesting Entity: 975 Treaty Line Road, Akron, Ohio 44313 USA

Description of Request: Provide an earmark of $142,500 for purchasing the 54-acre Summit Bike and Hike Trail Preserve. The property is approximately 30% wetlands. It is bordered by Silver Springs Park and a 20-acre wetland complex, both owned by the City of Stow. Acquisition of the Summit Bike and Hike Trail Preserve will create a 354-acre block of publicly owned land to conserve and manage natural resources and provide the public with safe, outdoor recreational and educational opportunities, while improving water quality within the Cuyahoga River watershed. The project meets the goals of Ohio's Draft Coastal & Estuarine Land Conservation Program. Approximately, $142,500 is for acquiring fee title to the property.

GEAUGA PARK DISTRICT, CHARDON, OH

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Geauga Park District

Address of Requesting Entity: 9160 Robinson Road, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of $285,000 for acquiring the 237-acre Orchard Hills property located in Chester Township, Geauga County, and the City of Kirtland. The western portion of the property contains 4,500 linear feet of Caves Creek, which the Ohio EPA has designated as high quality coldwater habitat. Preserving this property will help maintain the water quality of this Chagrin River tributary, part of the Lake Erie Basin. The Chagrin River is a State-designated Scenic River. Approximately, $285,000 is to acquire fee title to the property.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $282,000

Legal Name of Requesting Entity: Hungry Canyons Alliance

Address of Requesting Entity: 712 S. Hwy. 6 & 59, Oakland, Iowa 51560

Description of Request: Funds are made available to counties to protect infrastructure and farmland from the erosive powers of stream degradation. For every $1 invested in Hungry Canyons Project streambed stabilization structures, more than $4.25 of property value and an average of 1.05 tons of sediment are protected.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Watershed/Flood Prevention Operations

Amount: $1,146,000

Legal Name of Requesting Entity: Natural Resources Conservation Service of Iowa

Address of Requesting Entity: 693 Federal Building, Des Moines, IA 50309

Description of Request: The funding would be used to continue the implementation of the Little Sioux Flood Prevention Project. This project continues to reduce flood damage, gully erosion damage, stream channel degradation, and improve water quality within the Little Sioux River Watershed of western Iowa. This will assist about 85 landowners and five communities that need assistance in installing soil and water conservation practices to slow water runoff and reduce erosion damage to agricultural land, public infrastructure including roads and bridges, and to reduce sediment and associated agricultural nutrients and pesticides being delivered to streams and rivers.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $288,000

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: Iowa Soybean Association's Certified Environmental Management Systems for Agriculture (CEMSA) program's overarching goal is to develop and disseminate a means for farmers to assess and improve their environmental performance, while improving agronomic and economic performance, using an adaptive management tool based on ISO 14001 and NRCS's 9-step planning process. This adaptive management system employs science-based applied evaluation tools to give each farmer baseline data, in the first year, then performance data in subsequent years giving them real feedback from their own operation on which to make management decisions regarding nutrients, soil, pests, energy uses and sources, wildlife habitat, greenhouse gas emissions (GHGE) and other atmospheric resources he or she may prioritize. ISA staff train and oversee contracted Certified Crop Advisors who provide technical assistance to producers in developing and maintaining their CEMSA plan. Cost and profit data is also plugged into the plan to guide the producer in determining the economic sustainability of environmental performance.

The public now demands from crop producers both increased production of food, fiber, fuel, and other biobased product feedstocks and increased, documented environmental performance to conserve soils, sequester carbon, improve water quality, reduce greenhouse gas emissions, improve energy efficiency and increase wildlife habitat. As independent business persons, farmers in the Upper Mississippi River (UMR) Basin and across the country need management systems to help them incorporate the best tools of science and business to measure and improve

both agronomic and environmental performance while sustaining profitability. This program has developed and piloted the basic management system and the technical assistance model producers in Iowa, the UMR Basin, and other agricultural regions need to meet these 21st Century demands. Expanding the scale of CEMSA in FY09, integrating individual planning with watershed planning, linking performance reporting to NRCS's system, and establishing recognized certification have significant implications in transferability of CEMSA throughout the UMR Basin and nationally. CEMSA is one of the ISA programs recognized by the National Academy of Sciences National Research Council's study on the Mississippi River Water Quality and the Clean Water Act as exemplary of the performance-based, public-private partnership projects that should be expanded throughout the UMR Basin.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations

Amount: $134,000

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th Street, Urbandale, IA 50322

Description of Request: The Iowa Soybean Association's Watershed Management and Demonstration Program is a continuing project that links public and private resources and expertise to provide technical assistance to individual farmers, groups of farmers, and other stakeholders in Iowa watersheds for the purpose of improving agriculture's environmental performance and watershed health.

The project supports expert staff to assist watershed organizations and groups of farmers in developing and maintaining adaptive management plans and in measuring and reporting performance in optimizing fertilizer use efficiency, remediating agricultural pollutants, decreasing soil erosion, building soil carbon, improving on-farm energy efficiency, reducing greenhouse gas emissions, enhancing wildlife habitat, and maintaining or increasing yield and profitability.

Private-public partnerships among agencies, private industry, producers, environmental groups, all levels of government, water utilities, and the university are fundamental to the design of this project, and those functioning partnerships to achieve the above project objectives are a measure of the project's success. This project also enables farmers to engage in watershed leadership and planning, employing their expertise and motivating more effective environmental management practices.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Meth

Amount: $500,000

Legal Name of Requesting Entity: Sioux City Police Department

Address of Requesting Entity: 601 Douglas St., Sioux City, IA 51101

Description of Request: National Meth Training Center—An informal poll of Police Chiefs and Sheriffs in the region conducted by the Sioux City Police Department, revealed that most rural communities had received little or no training in drug identification, investigative methods, intelligence gathering, search warrant preparation and execution or in the hazards of clandestine methamphetamine laboratories prior to the inception of the training center. The Sioux City Police Department National Training Center maintains a vision of providing the most current and relevant training in the area of narcotics law enforcement. The training center's mission is to support the overall effort to control and reduce methamphetamine production, trafficking and distribution on the local, regional and national level. The Sioux City Police Department is providing the leadership in developing training now and for the future. To that end the NTC strives to:

Provide the most current and relevant training in all areas of narcotics law enforcement provided by the most highly skilled instructors available. Provide skills based training through the use of simulation and scenario based practicals. Provide a central clearinghouse for the organization, coordination, research and curriculum development targeted towards the continued education of those in the law enforcement profession. Provide current situational awareness regarding the connections between narcotics trafficking and terrorist activities.

The NTC is in a unique position at this time to assist law enforcement professionals across the nation in their fight against illegal drugs. Officers and administrators from 40 states have attended training at our facility. Instructors and students who have attended training in Sioux City have also spread the word about the unique training opportunities available at the NTC. Students from as far away as Alaska, California, New York and Florida have attended training at the NTC. Officers have come from as far away as Oklahoma using their own vacation time just to attend the training provided by the training center because that same training would otherwise be unavailable to them.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP—Byrne Discretionary Grants

Amount: $600,000

Legal Name of Requesting Entity: Heartland Family Services, Inc.

Address of Requesting Entity: 515 East Broadway, Council Bluffs, IA 51503

Description of Request: Heartland Family Services Residential Methamphetamine Treatment in Southwest Iowa—The need for the Southwest Iowa Methamphetamine Treatment Program centers around the epidemic of methamphetamine use. One in three child protective investigations in the Council Bluffs area involves this drug. Some babies are born with methamphetamine in their system, and children are exposed to use of the drug in their home. Some children live in homes where methamphetamine is being manufactured.

This project will be a collaborative effort between Heartland Family Services, the Iowa Department of Human Services, the courts, and other social service agencies. It is a clinically managed low-intensity residential service for substance abuse patients, using Heartland Family Service's established residential treatment and counseling facilities. The program offers women an interim residential treatment service, and at the same time allows them to continue parenting their children. Treatment is directed toward applying recovery skills, preventing relapse, promoting personal responsibility and reintegrating the patient into work, education and family life. Services include individual, group and family therapy.

This level of care is a missing piece in the substance abuse treatment continuum of care in Southwest Iowa. Patients who complete residential programming ordinarily go directly home and receive outpatient treatment. To prevent relapse, many of these patients would benefit from a monitored interim treatment setting. Each patient has clinical oversight by a professional counselor who assesses the psychosocial history of a substance abuser to determine the most appropriate treatment plan.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Section 206

Amount: $0—It is a named project

Legal Name of Requesting Entity: Iowa Department of Natural Resources

Address of Requesting Entity: 502 East Ninth Street, Des Moines, IA 50319

Description of Request: Little Storm Lake Aquatic 206 Restoration Project—This joint project between the local Storm Lake Improvement Group, the US Army COE and the IDNR has as an objective to improve the aquatic species habitat in the Storm Lake watershed and to restore the wetland function of Little Storm Lake. Any funding made available to this project will be used to continue design and construction of the Little Storm Lake Aquatic 206 Restoration Project critical to improve aquatic species habitat and restore wetland function.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Bureau of Reclamation, Water and Related Resources

Amount: $27,000,000

Legal Name of Requesting Entity: Lewis and Clark Regional Water System

Address of Requesting Entity: 401 E 8th Street, Suite 306, Sioux Falls, SD 57103

Description of Request: When completed, Lewis & Clark Regional Water System will be a wholesale supplier of treated water to 20 cities and rural water systems in northwest Iowa, southeast South Dakota and southwest Minnesota (an area the size of Connecticut). Over 300,000 people in the tri-state region will benefit from the project. Iowa members include Hull, Rock Rapids, Sheldon, Sibley and Sioux Center. L&C will have an immense impact on the quality of life and economic development of the tri-state region. The project is a unique cooperative agreement among the federal government, three states and 20 local governments. This type of cooperation and consolidation, which in L&C's case involves 20 cities and rural water cities banding together to address common water needs, is a model of efficiency that the federal government is encouraging.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Amount: $150,000

Legal Name of Requesting Entity: The City of Spencer, Iowa

Address of Requesting Entity: 418 2nd Ave. West, Spencer, Iowa 51301

Description of Request: To continue design and construction of the Combined Sewer Separation Projects critical to eliminate the overflow of sewage into the basements of City of Spencer citizens during major thunderstorms. The City of Spencer continues to dedicate significant funding toward separating storm and sanitary sewers over 100 years old, which serves one-third of City of Spencer residents. Since 1990, five projects have been completed towards this goal.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: $476,000

Legal Name of Requesting Entity: Iowa Western Community College

Address of Requesting Entity: 2700 College Road, Council Bluffs, IA 51502

Description of Request: Iowa Western Nursing Center of Excellence—Iowa Western Community College in Council Bluffs will use these funds to increase the number of highly skilled nurses in the state of Iowa. Since 2003, 100% of Iowa Western Community College's graduates have passed the state nursing certification test on the first attempt, which is better than many of the state's, as well as the region's, four-year institutions. Because Iowa Western Community College currently graduates many of the state's top dental assistants, dental hygienists, practical nurses, registered nurses, surgical technologists, medical assistants and emergency medical technicians, enrollment could be greatly increased to meet demand if the college had the necessary equipment and expanded faculties. Therefore, Iowa Western Community College proposes a new Iowa Western Nursing Center of Excellence, with multiple laboratories and high-tech equipment on which to train thousands of future nurses within the next decade. The college, community and private donors have recently committed at least $10,000,000 to the Center's construction. The new laboratories and equipment will strongly enhance substantial job creation within Iowa, improve access to health care for Iowans and expand the creation of a scientifically qualified workforce in the medical and health services arena. By greatly enhancing the teaching environment, as well as the physical learning space and equipment, Iowa Western Community College will alleviate the region's nurse shortage and double the number of nurses it trains annually by 2012.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: $428,000

Legal Name of Requesting Entity: Northwestern College

Address of Requesting Entity: 101 7th St SW, Orange City, IA 51041

Description of Request: Northwestern College's Health and Healing Nursing Project is designed to meet the needs of its growing Bachelor of Science in Nursing (BSN) program; the staff educational needs of the Orange City Area Health System (OCAHS); and continued collaboration between OCAHS and Northwestern. Funding is requested for equipment for the nursing arts laboratory that is being built as part of the College's Health and Healing Nursing Project. Operating collaboratively with the Orange City Area Health System, the project will directly address the nation's impending nursing shortage by providing excellent new BSN nurses in a particularly rural area, while also providing for the ongoing educational and assessment needs of the hospital. Western Iowa will gain a critical opportunity to educate new nurses at an advanced level, as the need for advanced nursing education in rural western Iowa is well documented.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: $570,000

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: Requested funding will be used to continue construction of four-lane US 20 in northwest Iowa from the county line of Sac and Calhoun counties in Iowa to Moville, Iowa. The Iowa Department of Transportation continues to dedicate significant funding toward completing the final 90 miles of this expansion project. Activity ranging from grading to environmental study and design is taking place on each of the 90 miles with 45.5 miles in the DOT's Five Year Plan in the construction phase. The funding will assist in this critical project to increase traveler safety, economic development and stem population loss in one of the state's most productive regions.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: $237,500

Legal Name of Requesting Entity: City of Council Bluffs

Address of Requesting Entity: 209 Pearl Street, Council Bluffs, IA 51503

Description of Request: The funding will be used to reconstruct 24th St from I-80 to 23rd Ave in order to accommodate traffic volumes, improve safety, and provide alternate routes for I-80 traffic. The 24th St interchange with I-80 directs more than 11 million annual visitors to the city's entertainment corridor.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Economic Development Initiatives

Amount: $475,000

Legal Name of Requesting Entity: City of Council Bluffs

Address of Requesting Entity: 209 Pearl Street, Council Bluffs, IA 51503

Description of Request: The funding will be used to implement a targeted program of single family rehabilitation and new construction, acquisition/rehabilitation of single family properties and blight removal and site development in the Playland Park neighborhood. The significance of this project will be felt not only locally but regionally as well. The project's location is highly visible and is a gateway into Council Bluffs. It will complement a sizeable ongoing ''Rivers Edge'' project estimated at $50 million.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: $427,500

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: The funding will be used for the planning and construction of the U.S. 34 bridge in Mills County, Iowa. The project begins at Interstate 29/US 34 interchange west of Glenwood, Iowa. From that point it curves northwesterly crossing the Missouri River north of the confluence with the Platte River. The relocated US 34 alignment intersects with US 75 (Kennedy Expressway) south of Bellevue, NE.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Interstate Maintenance Discretionary

Amount: $1,092,500

Legal Name of Requesting Entity: City of Sioux City

Address of Requesting Entity: 405 6th Street PO Box 447 Sioux City, IA 51102

Description of Request: Interstate 29 Utility Relocation Project in Sioux City, IA—The Iowa Department of Transportation has included the much needed reconstruction of Interstate 29 through Sioux City in their 2008–2012 Highway Program. The project currently has $87 million committed for interstate reconstruction in fiscal years 2009–2012. With reconstruction begun in calendar 2008, the City of Sioux City must relocate utilities existing within the Interstate 29 right-of-way. The funding will be used for design, construction, and contract administration costs of the utilities move.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. FALLIN. Madam Speaker, pursuant to the House Republican standards on federally funded projects, I, Congresswoman MARY FALLIN, am submitting the following information for publication in the CONGRESSIONAL RECORD regarding federally funded projects I received as part of H.R. 1105—Omnibus Appropriations Act, 2009.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its OJP—Byrne Discretionary Account the amount of $150,000 for the University of Central Oklahoma located in Edmond, Oklahoma. The requesting entity for

this funding was the University of Central Oklahoma located at 100 North University Drive, Edmond, OK 73034. The University of Central Oklahoma combined with the new $35 million Oklahoma State Bureau of Investigation Forensic Institution and has established a major forensic education/laboratory program serving the entire southwest. The Program has been expanded to 48 graduates a year. This funding will be used to provide laboratory infrastructure and equipment to significantly expand the services available to the training programs and to state and local law enforcement officers.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its COPS Law Enforcement Technology Account the amount of $200,000 for the Oklahoma Department of Safety located in Oklahoma City, OK. The requesting entity for this funding was the Oklahoma Bureau of Investigations located at 6600 N. Harvey, Oklahoma City, OK 73116. Provide $200,000 to replace the state's aging communication system and to provide comprehensive radio and data communications capabilities for all emergency response agency units in Oklahoma. Out of this $200,000, the amount of $150,000 [75% of the total] will be used for the replacement of a 800 MHz base station and associated repeater equipment at a major transmission site in Chickasha, OK which is ten years old and is now frequently failing, creating a safety issue for the public safety personnel that depend on that location. Additionally, the amount of $50,000 [25% of the total] will be used to replace and upgrade a dispatcher console in Muskogee, OK in order that it can handle low band and 800 MHz radio frequencies. The current communications capabilities of the Oklahoma Highway Patrol and other law enforcement agencies are inadequate, unsafe, and antiquated. Deployment of this communications system will patch geographical gaps in the state, link all the types of the first responders and support personnel and enable Oklahoma state and local public safety agencies to quickly transmit critical information on potential threats. A statewide 800-megahertz communications system was approved in 1982 but has never been completed due to budget constraints.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its COPS Law Enforcement Technology Account the amount of $300,000 for the Oklahoma State Bureau of Investigations located in Oklahoma City, OK. The requesting entity for this funding was the Oklahoma Bureau of Investigations located at 6600 N. Harvey, Oklahoma City, OK 73116. The Oklahoma Mobile Analysis Center is a self-contained vehicle equipped with secure computer hardware/software and communication-networking systems that will allow trained criminal analysts to receive, analyze, and disseminate raw intelligence data necessary to state and national homeland security efforts. Information generated by the MAC unit will be turned into actionable knowledge that supports the ability to detect, investigate, prevent, and respond to criminal and terrorist activity.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations Account the amount of $311,000 for the Southeast Oklahoma Water Resource Study. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. The output of this multi-year study will be a Southeast Oklahoma Watershed Management Plan that identifies solutions to water resources problems with the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations Account the amount of $191,000 for the Washita River Basin. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. The output of this multi-year study will be a Washita River Watershed Management Plan that identifies solutions to water resource problems within the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan. The project covers the Washita River Watershed and adjacent counties in southwest Oklahoma.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations—PAS Account the amount of $100,000 for the PAS: Oklahoma Comprehensive Water Plan. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. This Multi-year study to provide technical assistance to the state of Oklahoma in updating the Oklahoma Comprehensive Water Plan. The OWRB envisions that, combined with federal cost-shared funds, the OWRB could work with local water suppliers in evaluating their system conditions, long-term needs, and develop a strategy to meet their needs over a 50-year time horizon. The plan would also address the long-term needs of other water use sectors.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Bureau of Reclamation under its Water and Related Sources Account the amount of $65,000 for the Oklahoma Investigations Program, Oklahoma Comprehensive Water Plan. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. This project provides technical assistance and funds to assist the State of Oklahoma in updating the Oklahoma State Comprehensive Water Plan. FY2009 funds are being requested to complete modernization of the OWRB database management system, migration of existing data and appropriate training.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services under its Health Resources and Services—Health Facilities and Services Account the amount of $333,000 for Oklahoma Medical Research Foundation located at 825 N.E. 13th Street Oklahoma City, Oklahoma 73104. These funds will be used for a mass spectrometer. Mass Spectrometry is a highly effective type of advanced technical analysis and has become a critical technique in biomedical research. In a field such as cardiovascular disease research, mass spectrometry is giving scientists new abilities ranging from experiments attempting to understand fundamental processes. Mass spectrometers have fundamentally changed research and are now considered a key tool for research organizations. In the entire State of Oklahoma there is no such instrument.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services Account under its Health Resources and Services—Health Facilities and Services the amount of $285,000 for Oklahoma State University Center for Health Sciences located at 1111 West 17th, Tulsa, OK 74101. These funds will be used for the purchase of equipment to update the facility.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services under its Health Resources and Services—Health Facilities and Services Account the amount of $333,000 for Oklahoma State University Center for Health Sciences located at 1111 West 17th, Tulsa, OK 74101. These funds will be used for the purchase of equipment.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Institute of Museum and Library Services under its Museums and Libraries Account the amount of $285,000 for the Native American Cultural and Educational Authority located in Oklahoma City, Oklahoma. The requesting entity for this funding was the City of Oklahoma City located at 200 North Walker Street, Oklahoma City, OK 73102. Oklahoma has a unique story and a history that differentiates us from any other state in the nation. Nowhere else in the United States can a visitor hear first-hand accounts from 39 different American Indian Tribal Nations regarding their journey from ancestral homelands, or discover how Native peoples have contributed and woven their identities into the fabric of contemporary Oklahoma. The American Indian Cultural Center will be a ''living cultural space'' featuring modern-day expressions of 39 Tribal Nations. It will provide visitors a rare opportunity to be immersed in traditional celebrations, contemporary events, and activities both inside the Cultural Center and across a 300-acre Cultural Park. These funds will be used to complete the education and cultural exhibits construction within the cultural center.

Under Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received

through the Buses and Facilities Account the amount of $712,000 for the Central Oklahoma Transportation and Parking Authority located at 300 S.W. 7th St., Oklahoma City, Oklahoma 73109. These funds will be used for an Automated Vehicle Location systems provide real time bus information to management and bus patrons and include automated enunciation system to automatically announce bus stops in order to assist individuals with vision problems.

Under Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Buses and Facilities Account the amount of $1,330,000 for Oklahoma City Bus Replacement. The requesting entity for this funding was the Central Oklahoma Transportation and Parking Authority located at 300 S.W. 7th St., Oklahoma City, Oklahoma 73109. These funds will be used to replace buses that have reached the end of their useful lives.

EARMARK DECLARATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SESSIONS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 1105 FY 2009 Omnibus Appropriations Act.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Justice, OJP Byrne Discretionary Grants

Legal Name of Requesting Entity: Phoenix House

Address of Requesting Entity: 2345 Regan Street, Dallas, Texas, 75219

Description of Request: I have received an earmark of $500,000 to expand the service delivery system for the increasing number of Dallas area adolescents who are seeking drug treatment. Dallas has been identified by the Office of National Drug Control Policy (ONDCP) as one of the communities hit hardest by the problem of drug abuse among our nation's youth, and the ONDCP has recognized Dallas as a High Intensity Drug Trafficking Area. The impact of alcohol and drug abuse has been well documented in terms of financial costs to federal, state, and local governments. North Texas, especially Dallas, is experiencing an epidemic of the use of 'cheese,' a mixture of black tar heroin and over-the-counter drugs a very dangerous and highly addictive combination.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Dallas County Sheriff's Department

Address of Requesting Entity: 133 North Industrial Blvd., Dallas, Texas 75207

Description of Request: I have received an earmark of $100,000 to update the AFIS system for the Dallas County Sheriff's Department. The Dallas County Sheriff's Department books approximately 400 people every 24 hours. The current system is slow and is susceptible to error and misidentifications. A biometric ''2-fingerlook-up system'' is needed in order to process arrestees accurately and effectively. Dallas County Sheriff's Department needs to update its AFIS system, AFIX Tracker. These upgrades will provide each of the surrounding agencies the ability to search the Dallas County database. Dallas County will also have the ability to search databases maintained in the surrounding counties, including Parker County, Collin County and Denton County. The outcome of this regional database approach will be to dramatically increase the efficiency and hit rate of the Dallas County Sheriff's Department's AFIX Tracker AFIS system.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Dallas

Address of Requesting Entity: 1500 Manila 4EN, Dallas, Texas 75201

Description of Request: I have received an earmark of $13,000,000 for the Dallas Floodway Extension (DFE). This request is for continuation construction funding of the Dallas Floodway Extension (DFE). It is a joint effort between the City of Dallas and the Army Corps of Engineers consisting of a ''chain of wetlands'' and a system of protective levees. The flood control improvements will reduce flooding for 12,500 structures in the Central Business District and area neighborhoods permitting balanced growth. The DFE builds on prior flood protection efforts undertaken by the City to protect low-income neighborhoods and the primary wastewater treatment plant that serves 75% of Dallas's needs. The proposed improvements will increase the level of protection of the Dallas Floodway levee system to the Standard Project Flood or 800-year event. Features will include 5.5 miles of levee construction, 170 acres of wetlands development and 1,179 acres of land preservation. The main objective of this project is to provide improved flood protection for the full length of the Trinity River Corridor in Dallas in a way that supports the achievement of environmental, recreational, mobility and economic development goals.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Energy, Office of Science

Legal Name of Requesting Entity: Southern Methodist University

Address of Requesting Entity: 6425 Boaz, Room 205, Dallas, Texas 75275

Description of Request: I received an earmark of $951,500 for the Advanced Parallel Processing Center (APPC) at Southern Methodist University. The Advanced Parallel Processing Center (APPC) is a ''super computer'' that will allow significant contribution in computationally intensive areas of research at SMU and other north Texas academic institutions. This center will allow the North Texas university community to access state of the art parallel computing resources. SMU is participating in the ATLAS experiment at the CERN Large Hadron Collider. The APPC will allow SMU to analyze the data collected from ATLAS. APPC will benefit the study of high energy physics, statistical modeling of functional MRI data collected from veterans suffering from Gulf War Syndrome, problems in cancer chemotherapy, logistics for the banking industry, network design for the telecommunications industry, and applications of energy conservation and nanotechnology. The United States must continue to lead the world in science research in order to remain globally competitive and to attract the best and the brightest scholars.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Federal Highway Administration, TCSP

Legal Name of Requesting Entity: City of Irving

Address of Requesting Entity: 825 West Irving Blvd. Irving, Texas 75060

Description of Request: I received an earmark for $380,000 for the City of Irving's Irving Boulevard Corridor Enhancement Project, which includes Story Road and Irving Boulevard, Highway 356. The Corridor is in need of structural enhancements that include a bridge and the enclosure of an open drainage channel for pedestrian and vehicle traffic. These enhancements will reduce congestion and make multi-functional use of space. The corridor is of critical importance to the region because it runs east to west and connects to the Dallas Fort Worth Airport.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: Southern Methodist University, Southwestern Consortium for Anti-Infectives and Virological Research

Address of Requesting Entity: 6425 Boaz, Room 205, Dallas, TX 75275

Description of Request: I received an earmark of $381,000 for Southern Methodist University who is teaming with several other Texas universities and medical centers to establish a premiere collaborative Center of Excellence that would unite leading regional HIV/AIDS and infectious disease researchers and clinical scientists for the development of new therapies against drug-resistant viral infections of high medical and socioeconomic importance. One of the goals of this consortium in developing new therapies against drug-resistant viral infections is to expand the role of viral-based gene therapy in modern molecular medicine for the treatment of terminal health disparities, such as malignant CNS tumors in children. The requested support would be to provide state-of-the-art infrastructure for NIH-supported research programs in the Southwest (TX–NM) with national and international collaborations.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, National Institute of Health

Legal Name of Requesting Entity: The University of Texas Systems, Brain Health and Repair Project

Address of Requesting Entity: 2200 West Mockingbird Lane, Dallas TX 75325

Description of Request: I received an earmark of $381,000 for the Brain Health and Repair Project at the University of Texas at Dallas which involves a unique multi-disciplinary collaboration among a talented team of scientists with expertise ranging from cognitive neuroscience, neurology, biomedical engineering, brain imaging, to those advancing brain repair treatments. The Brain Health and Repair Project takes a comprehensive approach to address some of the most pressing public health issues related to brain health. New evidence from brain science reveals that more can be done to prevent and detect injuries, as well as to repair the brain than modem medicine thought possible only a few years ago. UT Dallas has the largest number of cognitive brain scientists in Texas with specific expertise focused on advancing sensitive measurements of lasting impact of Traumatic Brain Injury on cognition, social, and brain function and developing effective methods to repair the brain given appropriate type, levels and intensity of stimulation.

MRS. IRENE DAY-COMER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to remember one of Northwest Indiana's most talented and most admired citizens, Irene Day-Comer. An extraordinary soloist, Irene's serene vocals touched the hearts and lifted the spirits of countless residents of Northwest Indiana and beyond, and through her remarkable gift, she served her community in a way that very few people can. Unfortunately, Mrs. Day-Comer passed away on Monday, February 2, 2009, at the age of 86, but her music will forever remain in the hearts and spirits of those fortunate enough to have heard her sing.

Born in the rural farming community of Marks, Mississippi, Irene's family, like many African American families at the time, fled the South in search of better opportunities in more industrialized areas of the country. After arriving in Northwest Indiana, Irene's family made their home in East Chicago, Indiana. Born into a family of deep spiritual faith and religious conviction, it was at Antioch Baptist Church in East Chicago where Mrs. Day-Comer's extraordinary gift and love for sacred music would emerge. At Antioch, she was a member of the Junior Red Circle and Baptist Training Circle and was active in various choirs and ensembles. During her younger years, Irene attended Columbus Elementary School and Washington High School, where she was a member of the highly esteemed Paul Robeson Glee Club. Encouraged by her mentor and pastor, the late Dr. Vincent McCutcheon, Mrs. Day-Comer went on to study at the Moody Bible Institute and the American Baptist Theological Seminary Extension in Chicago.

By the age of eight years old, Irene's passion for music and unquestionable talent was already clear to those who heard her pristine voice. This passion would carry on to her adult life, where she would continue to serve her community through her songs of faith, hope, and inspiration. She gained acclaim from the likes of Oprah Winfrey, who heard her sing after speaking at Antioch in 1981. After this, Reverend McCutcheon and a group of local churches were able to raise enough funds for Irene and pianist, Marilyn Hairston, to record her historic debut album, Irene Day—He's Everywhere, in 1982. This outstanding compilation of sacred songs allowed even more people the joyous opportunity to hear her exceptional voice, and after being re-released in 2002 in the wake of the tragedy of September 11, an entirely new generation was introduced to her uplifting spirit.

A woman whose life and talent spread far beyond the borders of Northwest Indiana, Mrs. Day-Comer received many accolades for her artistry and her service to the community. In 1982, Irene was honored by the City of East Chicago for her contributions to the community, and July 8 was proclaimed Irene Day Day. In 1985, she was recipient of the prestigious Monroe-Master Dedication Commission Award bestowed by the African Methodist Episcopal Church for her efforts to aid and inspire others. Irene was also honored nationally in 1982 following the release of her album with commendations from the Congressional Black Caucus, the late Congressman Adam Benjamin, Jr., Senator Richard Lugar, and former Vice President Dan Quayle.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring a great American artist and citizen, Mrs. Irene Day-Comer, for sharing her outstanding talents with the people of Indiana's First Congressional District and beyond. Irene Day-Comer's remarkable gift brought joy and hope to all who listened to her songs, and I ask that you join me in remembering her today.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Energy and Water—Department of Energy

Account: Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to provide an earmark of $951,500 to the Clemson University Cellulosic Biofuel Plant project. Cellulosic ethanol comes from breaking down the lignin and hemi-cellulose shell in order to access plant sugars for fermentation into renewable fuel. It is estimated that cellulose conversion to ethanol can produce 800–1000 gallons of ethanol per acre (compared to 416/acre for corn). Capturing 20% of the state's gasoline fuel market through bio-ethanol would build a $1Bn industry. In order to accomplish that goal, South Carolina must have the capacity to produce 700M gallons of ethanol/year. Based on recent studies of the economic impact of corn ethanol plans in the Midwest, 700M gal/year of bio-ethanol capacity could lead to $1.5Bn in capital investments, create 10,000 new jobs, add $2Bn to the local economy and increase local and state taxes by $20M. Approximately $50,000 (5%) will go towards site utilities/grading; $680,000 (71%) will go towards building structure; and the remaining $228,000 (24%) will go towards process equipment, support utility systems and construction fees; with multiple funding sources in subsequent years completing the project.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Energy and Water—Department of Energy

Account: Science

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to provide an earmark of $1,427,250 to The Clemson University Cyberinstitute (CUCI) project which will assist research universities around the State of South Carolina to perform scientific research in nanotechnology, bioinformatics/computational biology, environment/ecology and global climate change. The project links South Carolina to a nation-wide backbone of world-class university research, industry partners and cutting-edge technology entrepreneurs. CUCI will serve as a conduit for a virtual research campus that brings together cyber resources and strengths from each of South Carolina's research institutions, including Clemson University, the Medical University of South Carolina, and the University of South Carolina. Approximately $250,000 (18%) will go towards network connectivity; $200,000 (14%) will go towards network redundancy, $250,000 (18%) will go towards high performance computing, $250,000 (18%) will go towards data storage, $200,000 (14%) will go towards visualization resources and $250,000 (18%) for personnel management support, with multiple funding sources in subsequent years completing the project.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Financial Services and General Government—Small Business Administration

Account: Salaries and Expenses

Legal Name of Requesting Entity: City of Union, Mayor Bruce Morgan

Address of Requesting Entity: 101 Sharpe Avenue, Union, South Carolina 29379

Description of Request: The purpose of the request is to provide an earmark of $100,000 to build a facility for world-class robotics training that would serve manufacturing facilities in the surrounding counties. The project will provide significant technical training in a state, local and private partnership to meet the needs of an existing and growing robotics industry. It is a critical focus in an economically distressed area to diversify from a shrinking textile employment toward higher paying, higher skilled technical jobs. The facility would offer specific training (hydraulics, pneumatics, electronics, robotic software and diagnostics) for the automotive, aerospace, rail, and super

precision industries. The building will be divided between Union County, the University of South Carolina-Union, and Spartanburg Community College for the specific programs. The entire amount will go towards laboratory equipment for training purposes.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Interior and Environment—U.S. Forest Service

Account: Capital Improvement and Maintenance (construction)

Legal Name of Requesting Entity: U.S. Forest Service, Sumter National Forest

Address of Requesting Entity: 3557 Whitmire Highway, Union, South Carolina 29379

Description of Request: The purpose of the request is to provide an earmark of $250,000 to improve multi-use access to Sumter National Forest resources according to the Forest Service adaptive management plan. The U.S. Forest Service will repair and upgrade facilities along the Broad, Tyger and Enoree Rivers in Union County, SC and improve signage and mapping to allow better access for visitors. Approximately $20,000 (8%) will go towards finalizing the adaptive waterways/river management strategy; $100,000 (40%) will go towards a river feasibility study; $10,000 (4%) will go towards Enoree & Tyger River trail maintenance; $20,000 (8%) will go towards stabilizing erosion problems occurring at access points; $40,000 (16%) will go towards river maps and signage; $10,000 (4%) will go towards closing off illegal river access areas; and $50,000 (20%) will go towards constructing a jetty to prevent silt deposits.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—State, Foreign Operations

Account: Global Health and Child Survival

Legal Name of Requesting Entity: Christian Blind Mission International

Address of Requesting Entity: 450 E Park Avenue, Greenville, South Carolina 29601

Description of Request: Of the funding provided for vulnerable children, $2,000,000 is provided for child blindness programs. USAID should consider the work of Christian Blind Mission (CBM) which acts upon the needs and rights of people with disabilities; 18 million people worldwide benefit from CBM's support. 1.5 million children are currently blind, and another 7 million suffer from poor vision. CBM's eye care programs focus on four preventable and reversible sources of blindness: cataract, river blindness, vitamin A deficiency and trachoma.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of $475,000 to the statewide Interstate Rehabilitation Program which is in need of funding for the main thoroughfares across the state. Funding would allow interstates to be preserved, reconstructed, or rehabilitated. These routes are ranked in priority order based on daily traffic (ADT) volumes, length of the project, and the condition of the road (PQI rating). Approximately $190,000 (40%) will go towards interstate maintenance projects located in Greenville county, $285,000 (60%) will go towards interstate maintenance projects located in Spartanburg county.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of $285,000 to the SC 9 Interchange Improvements in Spartanburg, SC project which will include the widening of 4.3 miles of SC 9 from the existing two to three lane ditch section to a five lane curb and gutter sections. This also includes pedestrian and bicycle facilities and enhancements. The entire amount will go towards Right of Way acquisition.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of $95,000 to the Salter's Road expansion project which will widen Salter's Road from Verdae Boulevard over I-85 to Millennium Drive, and provide the necessary infrastructure support for the ICAR/Millennium Park and Verdae developments. This area is becoming a growing business and commercial nucleus for the Upstate of South Carolina, requiring more adequate transportation and infrastructure. This project is listed as a top priority on the approved Greensville-Pickens Area Transportation Study Long Range Transportation Improvement Plan. The entire amount will go towards the development of final construction plans, and environmental requirements.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: East Central University

Address of Requesting Entity: 1100 East 14th Street; Ada Oklahoma 74820

Description of Request: Provide an addition of $476,000 for curriculum development at the Economic Development Training and Education Center, including purchase of equipment. Of the $476,000, 15% will be used for curriculum development supplies, 20% will be used for personnel, and 65% for equipment and classroom needs.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: Mid-America Christian University

Address of Requesting Entity: 3500 West 119th Street; Oklahoma City, OK 73170

Description of Request: Provide an addition of $285,000 for a teacher training initiative at Mid-America Christian University. Of the $285,000, 9.5% will be used for program coordination, 43% will be used for personnel (faculty), 28% will be used for student support services, 10.5% will be used for curriculum development/accelerated, and 9% for alternative certification development.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Health, Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Norman Regional Health System

Address of Requesting Entity: 901 North Porter Street; Norman, OK 73071

Description of Request: Provide an addition of $381,000 for an electronic medical records initiative. Of the $381,000, $181,000 will be used for data set expansion and labor and data mining conversion, $66,000 for physician connection (hardware, software and training), $135,000 hospital interfaces.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Museums and Libraries

Legal Name of Requesting Entity: Native American Cultural & Educational Authority

Address of Requesting Entity: 900 North Stiles Avenue; Oklahoma City, OK 73104

Description of Request: Provide an addition of $285,000 to develop educational and cultural exhibits. Of the $285,000, 20% will be used for wayfinding, identity and graphics, 60% will be used for content development and exhibition design development, and 20% will be used for educational program development.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "Oklahoma Department of Safety"

Address of Requesting Entity: PO Box 11415 Oklahoma City, OK USA

Description of Request: Provide an addition of $200,000 to replace the state's aging communication system and to provide comprehensive radio and data communications capabilities for all emergency response agency units in Oklahoma. Out of this $200,000, the amount of $150,000 [75% of the total] will be used for the replacement of a 800 MHz base station and associated repeater equipment at a major transmission site in Chickasha, OK

which is ten years old and is now frequently failing, creating a safety issue for the public safety personnel that depend on that location. Additionally, the amount of $50,000 [25% of the total] will be used to replace and upgrade a dispatcher console in Muskogee, OK in order that it can handle low band and 800 MHz radio frequencies. The current communications capabilities of the Oklahoma Highway Patrol and other law enforcement agencies are inadequate, unsafe, and antiquated. Deployment of this communications system will patch geographical gaps in the state, link all the types of the first responders and support personnel and enable Oklahoma state and local public safety agencies to quickly transmit critical information on potential threats. A statewide 800-megahertz communications system was approved in 1982 but has never been completed due to budget constraints.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: ''The University of Oklahoma''

Address of Requesting Entity: 100 E. Boyd St, Room 1110, Norman, OK 73019 USA

Description of Request: Provide an addition of $350,000 to support research and development of phased array weather radar technology using the National Weather Radar Testbed, which is operated by the National Severe Storms Labs in Norman, OK. Approximately, $100,000 is for dual-polarimetric phased array studies; $150,000 is for adaptive algorithm development; $100,000 is for rapid scanning optimization. The Phased Array Radar Research, with its multi-function applications will allow potential savings to the taxpayer of $2 billion in acquisition costs and an additional $3 billion in operations and maintenance costs over a 30-year period by utilizing one multi-function radar network that can provide the same coverage available today from several weather and aircraft surveillance networks, but with 40% fewer radars.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: ''City of Norman, Oklahoma''

Address of Requesting Entity: 201 West Gray, PO Box 370, Norman OK USA

Description of Request: Provide an addition of $150,000 to replace the state's current networking system for Computer Aided Dispatch, record management, mobile data access, mapping, and other software tools critical to disaster response. All $150,000 would be used to replace the Computer Aided Dispatch System (CAD). This replacement project includes the needed software, conversion of data, and training necessary to operate the new system. This system is needed to decrease response times and increase interoperable data sharing between local, state, and federal public safety responders. The City's present system does not provide effective integration of these services and causes critical delays in disaster response. The City of Norman will provide a minimum of a 50/50 cost share and this funding will come directly from the City.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of $311,000, of which 100% of the appropriated funds will be used to conduct a multiyear study that identifies solutions to water resources problems with the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3801 N. Classen Blvd, Oklahoma City, OK 73118

Description of Request: Provide an addition of $191,000, of which 100% of the appropriated funds will be used for feasibility level studies to solve the water resource problems within the study area (including systems approach to collaboratively develop a Washita River Watershed management Plan that provides pertinent existing, forecasted, and strategic information) for the Oklahoma Comprehensive Water Plan (OCWP). The Oklahoma Water Resources Board is the non-Federal sponsor. Also collaborating on this effort are the Oklahoma Water Resources Research Institute, U.S. Geological Survey, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, Natural Resources Conservation Service and other stakeholders. Output will be a Watershed Management Plan which becomes an integral part of the Oklahoma Comprehensive Water Plan.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, O & M

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of $6,164,000 for Denison Dam which will be executed in the following way: 57% Recreation—Park Rangers, operating the recreation sites, general service items likes cutting grass, trash pick-up; 26% Flood Risk Management for maintaining the dam and outlet structures, for engineers to determine daily flows through the dam for hydropower, and managing the lake levels during high water levels, 17% Environmental Stewardship—for land management of the Federal property around the lake for ecosystem enhancement.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, O & M

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of $1,014,000 for Waurika Lake to be used in the following way: 55% Recreation—Park Rangers, operating the recreation sites, general service items likes cutting grass, trash pick-up; 35% Flood Risk Management for maintaining the dam and outlet structures, for engineers to determine daily flows through the dam for hydropower, and managing the lake levels during high water levels; 10% Environmental Stewardship for land management of the Federal property around the lake for ecosystem enhancement.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Bureau of Reclamation, Water & Related Resources

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3801 N. Classen Blvd, Oklahoma City, OK 73118

Description of Request: Provide an addition of $65,000 of which 100% will be used to assist the State of Oklahoma in updating the Oklahoma State Comprehensive Water Plan, including water management planning, implementation of conservation measures, acquisition of hydrologic data, modernization of the OWRB database management system and other water plan related projects.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: EPA, State and Tribal Assistance Grants, Infrastructure Grants

Legal Name of Requesting Entity: ''Ada Public Works Authority''

Address of Requesting Entity: 231 S. Townsend, Ada, OK, 74820

Description of Request: Provide an addition of $500,000. Consistent with 33 U.S.C. 1301 and project authorization by Congress in P.L. 110–114, I received an addition of $500,000 to help replace a failing wastewater lift station to meet the requirements of a new Indian Hospital and local business and residential expansion. Specifically, $350,000 will be used to purchase lift station equipment and $150,000 will be used to improve the grit removal process at the treatment plant. This represents 26 percent of total project costs with 74 percent to be provided by local, state and tribal funds.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Transportation, Surface Transportation Priorities

Legal Name of Requesting Entity: Lawton Ft. Sill Chamber of Commerce and Industry

Address of Requesting Entity: 629 SW C Avenue, Suite A, Lawton OK 73501

Description of Request: Provide an addition of $95,000 of which 100% of the appropriated dollars for the Lawton Downtown Revitalization will be used for historic preservation.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Transportation, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Midwest City, Oklahoma

Address of Requesting Entity: 100 N. Midwest Blvd., Midwest City, OK 73110

Description of Request: Provide an addition of $450,000 of which 53% will be used to construct masonry welcome signage and landscaping along Interstate 40 through Midwest City, 47% of the appropriation will be used for the replacement of a 17,231 foot deteriorating chain link fence in Midwest City.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Ada Public Works Authority

Address of Requesting Entity: 231 S. Townsend, Ada, OK 74820

Description of Request: Provide an addition of $190,000. Consistent with 33 USC 1301 and project authorization by Congress in P.L. 110–114, I received an addition of $190,000 to construct a water tower to satisfy fire flow requirements and improve business opportunities in this community with a poverty rate 5 percent higher than the national average. Specifically, $190,000 will be used for construction of the water tower. This represents less than 10 percent of total project costs with a cumulative non-federal match of 78 percent.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Ardmore Development Authority

Address of Requesting Entity: 410 West Main, Ardmore, OK, 73401

Description of Request: Provide an addition of $190,000. Consistent with 33 USC 1301 and project authorization by Congress in P.L. 110–114, I received an addition of $190,000 for infrastructure improvements necessary to develop the Ardmore Technology Park and improve business opportunities in this community with a poverty rate 4 percent higher than the national average. Specifically, $190,000 will be used to install an 8-inch water main, 10-inch sewer line, and 7 manholes. This represents less than 10 percent of total Ardmore Technology Park construction costs with a non-federal match in excess of 90 percent.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Energy, EERE

Legal Name of Requesting Entity: University of Oklahoma, College of Engineering

Address of Requesting Entity: 202 W. Boyd St., Room 107, Norman OK 73019

Description of Request: I obtained an addition of $713,625 to be used as follows: approximately $170,615 for catalyst synthesis, characterization and activity measurement for conversion of pyrolysis oil intermediates into fungible fuel compounds; $110,000 for studies of emulsion processing for energy-efficient and selective conversion of pyrolysis oil and/or solvolysis oil fractions; $105,000 for pyrolysis/fractionation of switchgrass and other lignocellulosic materials; $93,000 for catalyst synthesis, characterization and activity measurement for conversion of algae- or vegetable oil-based fatty acid methyl esters to fungible fuels and chemicals; $60,000 for development of quantitative structure-property relationships to enable prediction of fuel properties for biomass-based components and mixtures; $175,000 for combustion and engine studies to characterize new biomass-based fuel components and blends.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Energy, Science

Legal Name of Requesting Entity: University of Oklahoma

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: I obtained an addition of $951,500 to be used as follows: approximately $131,500 for production of single-walled carbon nanotubes meeting quality and quantity requirements of projects; $490,000 for studies, analysis and characterization testing of properties for priority applications; $105,000 for photodynamic cancer therapies; $120,000 for enzymatic biofuels cells; $105,000 for fundamental studies of applications in polymers.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of FY 2009 Omnibus.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $209,000 for the Pilot Technology Transfer project. This funding will be used to provide technology transfer services and engineering assistance to small, rural manufacturers with the goal of improving their profitability and enhancing the economy in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $274,000 for the Animal Waste Management project. This funding will be used to develop sustainable, environmentally safe, and ecologically healthy animal waste management practices in semiarid ecosystems that contribute to economic development in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $839,000 for the Biomass-based Energy Research project. This funding will be used to find and alternative to traditional fuel sources, and to enhance rural economic development through the use of plant materials. A consortium of three universities (Oklahoma State University, Oklahoma University, and Mississippi State University) is working to refine and commercialize a unique gasification-fermentation process utilizing biomass to produce liquid fuel.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $223,000 for the Expanded Wheat Pasture project. This funding will be used to develop science and technologies, uniquely adapted wheat varieties, decision-support economic models, and extension education programs to increase profitability of the many dual-purpose wheat enterprises.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $382,000 for the Food Safety project. This funding will be used to conduct research and testing to develop rapid and efficient methods for detecting and controlling food borne pathogens throughout the food chain from point of origin to consumption.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $177,000 for the Integrated Production Systems project. This funding will be used to conduct research to develop and refine crop management techniques that enable environmentally sound and economically feasible production of alternative crops that will best utilize natural resources as they produce organically grown vegetable crops and crops for the biofuel industry.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received $174,000 for the Preservation and Processing Research project. This funding will be used to emphasize research, development and implementation of integrated cropping, harvesting,

storage and processing systems to facilitate new crop endeavors and assist new business development, to maintain and improve profitability for horticulture.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Corps of Engineers, MRT-Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 441 G Street, NW, Washington, District of Columbia, USA

Description of Request: I received $2,201,000 for the Red River Chloride Control Project. The project is designed to control natural chloride brine emissions as three major source areas to improve water quality for municipal, industrial, and agricultural use. This funding will be used in area VI to implement structural measures to improve the quality of water in the Red River Basin in and above Lake Texoma. Area VI is located on the Elm Fork of the North Fork of the Red River in Harmon County, OK.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Department of Energy, EERE—Biomass and Biorefinery System R&D.

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I received $285,450 for the Alternative Crops and Biofuel Production project. This funding will be used to further research the economic feasibility and logistics of processing agriculture commodities and animal fats into biofuel.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Beckham County Sheriff's Department

Address of Requesting Entity: 108 S. 3rd St, Sayre, Oklahoma, USA

Description of Request: I received $500,000 for the Western Oklahoma Law Enforcement Alliance. This request is to purchase and implement a wireless mobile data network in Beckham, Roger Mills, and Washita counties. It will provide for in car computers and other necessary hardware. This project fits within the core mission of the COPS program to acquire and deploy cutting-edge crime-fighting technologies and develop and test innovative policing strategies.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Western Oklahoma State College

Address of Requesting Entity: 2801 North Main Street, Altus, Oklahoma, USA

Description of Requesting Entity: I received $190,000 for Western Oklahoma State College for equipment upgrades in nursing skills labs and the radiologic technology labs at the college. This request is specifically for the following equipment; the METI Human Patient Simulator/METI Man, the Laredal SimMan, and the Kodak CR 500 system.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, Oklahoma, USA

Description of Requesting Entity: I received $333,000 for equipment for Oklahoma State Electronic Health Information, Telemedicine, and Distance Learning Network. This request will be used to develop and operate a health information network that includes telemedicine/distance learning and electronic medical records system to improve access to health care for rural Oklahoma and other medically underserved people throughout the state.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, Oklahoma, USA

Description of Requesting Entity: I received $285,000 for equipment for a Oklahoma State Mobile Clinic and Medical Response System. The request will be used to construct and operate a a mobile health clinic system that improves access to health care in rural Oklahoma and for deployment in the case of a regional or national disaster requiring medical interventions.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Altus

Address of Requesting Entity: 300 East Commerce, Altus, Oklahoma, USA

Description of Request: I received $427,500 to extend this project from Park Lane to Veterans Drive, which is directly opposite the main entrance to Altus Air Force Base.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Woodward Industrial Foundation

Address of Requesting Entity: 1006 Oklahoma Avenue, Woodward, Oklahoma, USA

Description of Request: I received $190,000 for the Woodward Community Campus to construct a campus style, multi-purpose conference center in Woodward, OK.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 314 Edmond Rd. NW, Piedmont, Oklahoma, USA

Description of Request: I received $95,000 for the development of Piedmont's comprehensive Community development planning process.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Redlands Community College

Address of Requesting Entity: 1300 S. Country Club Road, El Reno, Oklahoma, USA

Description of Request: I received $95,000 for the Darlington Conference Center and Royse Ranch. The request is for renovation, remodeling, and new construction projects at the Darlington Center. It is my understanding that the Oklahoma State Regents for Higher Education have provided $270,000 and will provide a match.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the FY 2009 Omnibus.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants

Legal Name of Requesting Entity: Jefferson County Sheriff's Department

Address of Requesting Entity: 2200 8th Ave North, Birmingham, AL 35203

Description of Request: Provide $200,000 to continue the Records Management Systems upgrade for the Jefferson County Sheriff's Department. The upgrade will update equipment in patrol cars so that they have the ability to remotely access criminal and vice databases, quickly check criminal records and outstanding warrants and submit reports from remote locations. The project's total budget is $500,000. Specifically within the budget, $250,000 will go toward the final completion of Records Managements System (RMS) and JMS system which includes the purchase of remaining software licenses as needed and training on the new system, $100,000 toward criminal and vice case management software modules, and $150,000 toward remaining Mobile Data Terminal (MDT) units for patrol cars. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants account. The Jefferson County Sheriff's Department will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Law Enforcement Technology Upgrades

Legal Name of Requesting Entity: City of Leeds

Address of Requesting Entity: 3873 First Ave, Leeds, AL 35094

Description of Request: Provide $100,000 to update the communication technology within the police department in Leeds, Alabama. The

funding will go toward the acquisition of the Computer-Aided Dispatch (CAD) and electronic Records Management Systems (RMS) software; installation, management and training necessary to start the program; and 1-year support for CAD, Application Management System (AMS), and Dispatch Map Interface as well as RMS fees and licenses. The project's total budget is $102,516. Specifically within the budget, $49,800 for CAD software, $21,232 for RMS software, $11,226 for CAD installation, training and management, $7,108 for RMS installation, training and management, $9,450 for CAD 1-year support, and $3,700 for RMS 1-year support. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services Law Enforcement Technology Upgrades account. The City of Leeds will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Funds

Legal Name of Requesting Entity: Jefferson County Commission

Address of Requesting Entity: 716 Richard Arrington Jr Blvd North, Suite 220, Birmingham AL 35203

Description of Request: Provide $300,000 for communication equipment for the Combined E–911 Communications Center to be constructed in Jefferson County. The Combined E–911 Communications Center will be a shared facility housing both 9–1–1/dispatch and emergency management operations and will provide both functions with state of the art communications equipment and infrastructures, as well as improve the opportunities for inter-jurisdictional cooperation and coordination. The Jefferson County Combined E–911 Communications Center will serve over 16 municipalities throughout Jefferson County with others joining once the center is operational. The Center will handle over 2.5 million emergency and non-emergency calls annually by a combined staff of 250 emergency communications and emergency management personnel located in the same facility. The provided funding will go toward the purchase of communication equipment. The project's total budget is $23.45 million. Specifically within the budget, $750,000 for land acquisition provided by the county, $2.45 million for design and engineering costs, $12.25 million for construction of the center, and $8.0 million for communications equipment and training. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Byrne Discretionary Funds account. The Jefferson County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Jefferson State Community College

Address of Requesting Entity: 4600 Valleydale Road, Birmingham, AL 35242

Description of Request: Provide $100,000 for campus safety improvements to all five campuses within the Jefferson State Community College system. The funding will go toward a video surveillance network coupled with a central monitoring station that is staffed 24 hours a day, seven days a week. The project's total budget is $500,000. Specifically within the budget, $250,000 will go toward equipment and the other $250,000 is for personnel and consulting for the monitoring and surveillance system. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Byrne Discretionary Funds account. Jefferson State Community College will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency (EPA), State and Tribal Grant Program (STAG) Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: St. Clair County Commission

Address of Requesting Entity: 165 5th Ave, Suite 100, Asheville, AL 35953

Description of Request: Provide $224,000 to extend water service to an area of St. Clair County known as Baker Mountain Road. The project's total budget is $406,200. Specifically within the budget, $348,000 will go toward equipment and construction, $28,600 for engineering, and $29,600 would go toward observation, permits, surveying, and other fees. This request is consistent with the intended and authorized purpose of the Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project account. The St. Clair County Commission will meet or exceed the 45% non-federal requirements for matching funds.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Army Corps of Engineers, Construction General Account

Legal Name of Requesting Entity: Alabama State Port Authority

Address of Requesting Entity: 250 North Water Street, Suite 300, Mobile, AL 36602

Description of Request: Provide $4.785 million to construct the Mobile Harbor Turning Basin project. The total project cost estimate stands at $21,400,000. Approximately, $10,000 [or .0004%] is for land; $25,000 [or .0011%] for aids to navigation; $25,000 [or .0011%] for removal of existing concrete debris; $850,000 [or .0397%] for mobilization, preparation and demobilization of a 26 CY Bucket Dredge; $900,000 [or .0420%] for mobilization, preparation and demobilization of a 30 inch Pipeline Dredge; $14,437,000 [or .67%] for the removal of and placement in designated dredge disposal areas approx. 2,699,232 cubic yards of dredged material; $1,140,000 [or .0532%] of planning, engineering and design work; $520,000 [or .0242%] for construction management; $2,690,000 [or .1257%] in project construction contingency; and $820,000 [or .0383%] in project escalation. The Army Corps of Engineers The U.S. Army Corps of Engineers conducted an Environmental Assessment in accordance with Engineer Regulation (ER) 200–2–2, Procedures for Implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations (CFR) Pts. 1500–1508) resulting in a FINDING OF NO SIGNIFICANT IMPACT (FONSI). Construction of the authorized turning basin has been evaluated by the U.S. Army Corps of Engineers through the Corps General Reevaluation Report (GRR) to alleviate harbor delays and improve safety conditions, and reflects a benefit-to-cost ratio of 3.46 to 1. This project is permitted. This request is consistent with the intended and authorized purpose of U.S. Army Corps of Engineers General Construction account and is intended and authorized by Congress in the Water Resources Development Act of 1986 (PL 99–662 Ninety-ninth Congress, Second Session). This is the last year funding will be needed to complete the construction of the Mobile Harbor Turning Basin. The Alabama State Port Authority is the federally designated local sponsor for the Port of Mobile Harbor and will provide the 25% cost share for the Mobile Harbor Turning Basin project. The Alabama State Port Authority's 25% cost share funding is secured.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Fish and Wildlife Service, Construction

Legal Name of Requesting Entity: US Fish and Wildlife Service

Address of Requesting Entity: PO Box 5087, Fort McClellan, AL 36205.

Description of Request: Provide $300,000 to fund construction of a new visitors' center in the Cahaba River National Wildlife Refuge. The funding will go toward site selection, soil testing, engineering, architectural plans, and environmental site assessment. This project's budget is $1.3 million and will be used to construct an L-shaped building with 7700 square feet including about 8 office spaces approximately 12'x13', a 14 person conference room, a 1000 sq foot auditorium, an exhibit hall, and various utility rooms. This request is consistent with the intended and authorized purpose of the Fish and Wildlife Service, Construction.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Small Business Administration

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: 201 Rose Administration Building, Box 870117, Tuscaloosa, AL 35487–0117

Description of Request: Provide $100,000 to help establish entrepreneurial research centers in nine additional rural Alabama counties and to augment the resources of existing centers through the Alabama Entrepreneurial Research Network (AERN). The total project budget is $675,000. The AERN provides an entrepreneurial toolkit that includes computers and peripheral equipment, business software, and other business research resources. Chambers of commerce, industrial development agencies, or other nonprofit organizations, whose mission includes business development in very rural, low income portions of Alabama, house the centers. These resources allow persons and local agencies to develop and expand businesses. This project will expand the network to additional counties and will upgrade and enhance the resources available to the existing partners. The AERN vision

is to create a decentralized technology and resources network and bring cutting edge entrepreneurial computing tools and training directly to underserved, low income, rural communities in Alabama. Within the first year of the project, $120,000 is for staff salaries, $30,000 is for benefits, and $200,000 is for supplies and services. In the second and third years of the project, $120,000 is for staff salaries, $30,000 is for benefits, and $175,000 is for supplies and services. This request is consistent with the intended and authorized purpose of the Small Business Administration. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Health & Human Services, Health Resources and Services Administration, Health Facilities and Services Account

Legal Name of Requesting Entity: Town of Harpersville

Address of Requesting Entity: P.O. Box 370, Harpersville, AL 35078

Description of Request: Provide $190,000 for the construction of a community and senior center in Harpersville, AL. This project's total budget is $200,000. Specifically within the budget, $50,000 will go toward Engineering and Design, $25,000 toward the Environmental Assessment, $30,000 toward Site Preparation, $75,000 toward Construction, and $20,000 toward Geotechnical Investigations. This request is consistent with the intended and authorized purpose of the Department of Health & Human Services, Health Resources and Services Administration, Health Facilities and Services Account. The Town of Harpersville will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Education, Elementary & Secondary Education Account

Legal Name of Requesting Entity: Mitchell's Place, Inc.

Address of Requesting Entity: 4778 Overton Road, Birmingham, AL 35210

Description of Request: Provide $250,000 to support expansion of the Mitchell's Place program. Mitchell's Place is a comprehensive center for children with autism. The Early Learning Program at Mitchell's Place is for children between the ages of two to six. The staff at Mitchell's Place consists of four Masters Level lead teachers, one Educational Director and nine special education graduate assistants. The student teacher ratio is 3 to 1 which gives each child the opportunity to learn and grow so they will be ready to start kindergarten. Each child also receives Speech Therapy and Occupational Therapy as part of the program. This funding will enable Mitchell's Place to expand the program and bring in more of the 35 children we currently have waiting to enter our program. This request is consistent with the intended and authorized purpose of the Department of Education, Elementary & Secondary Education Account. Mitchell's Place will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: Alabama Historic Ironworks Commission

Address of Requesting Entity: 12632 Confederate Parkway, McCalla, AL 35111

Description of Request: Provide $142,500 to construct a welcome center at the Brierfield Ironworks State Park. Currently the park has no visitors/welcome center where information can be easily disseminated to visitors. At present that function is being done in the country store, a site that is not really suited to welcoming area visitors in a historical and educational setting. This proposed educational visitors/welcome center will house a reception area, a display area telling the story of the ironworks and its relationship with the community during the mid and late 19th century, restroom facilities and a park office. The center will be located near the primary entrance to the park so that all visitors will be able to readily take advantage of the area upon their arrival at the park. The budget for the project is $295,000. Specifically within the budget, $20,000 will go toward site preparation, $10,000 toward the design and plans, and $265,000 toward building construction. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The Alabama Historic Ironworks Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Transportation, Buses and Bus Facilities Account

Legal Name of Requesting Entity: Birmingham-Jefferson County Transit Authority

Address of Requesting Entity: 1535 Morris Avenue, Birmingham, AL 35202

Description of Request: Provide $1,425,000 to acquire new and replacement buses and vans to expand service for the Birmingham-Jefferson County Transit Authority. This project's total budget is $33,800,000, which includes the acquisition of 100 replacement buses and 30 paratransit vans. This project will provide more reliable transit services in the Birmingham metropolitan area, including expanded service in the city center and urban core. This request will also assist with the ongoing need to replace buses for the BJCTA Fleet Replacement Plan. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities Account. The Birmingham-Jefferson County Transit Authority will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: City of Clay

Address of Requesting Entity: 6757 Old Springville Road, Pinson, AL 35126

Description of Request: Provide $118,750 for necessary amenities for Cosby Lake Park. The City of Clay recently purchased Cosby Lake in the City for use as a public park. Walking trails, lighting, landscaping, a pavilion, parking and other amenities are necessary to make it useful for the public. The budget for the project is $150,000, all of which will go towards engineering and development. This request is consistent with the intended and authorized purpose of the Transportation, Housing and Urban Development, Economic Development Initiatives Account. The City of Clay will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: City of Northport

Address of Requesting Entity: 3500 McFarland Blvd., P.O. Box 569, Northport, AL 35476

Description of Request: Provide $95,000 to help revitalize downtown Northport. The purpose of this project is to upgrade existing infrastructure and install new infrastructure to support and encourage economic development and housing in downtown Northport. Infrastructure improvements may include but are not limited to: sewer, water, street improvements, drainage, pedestrian access and parking. The total budget for the project is $2,516,000. Specifically within the budget, $1,716,032 will go toward general construction and supplies, $163,000 toward engineering design, $129,000 toward construction engineering and inspection, $257,400 toward contingencies, and $250,000 toward moving overhead power to underground. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The City of Northport will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Transportation & Community & System Preservation Account

Legal Name of Requesting Entity: St. Clair County Commission

Address of Requesting Entity: 165 5th Avenue, Suite 100 Ashville, AL 35953

Description of Request: Provide $475,000 for construction of an access road to the Pell City Medical Campus. When completed, this road will provide access to a medical and educational campus that will become an economic catalyst for the region and will provide improved health care for constituents of St. Clair County and surrounding areas. This roadway will also create a connector road from Highway 231 to Wolf Creek Road. This new road will help alleviate congestion on Highway 231 and allow more access to the underdeveloped Wolf Creek Road. The project's total budget is $795,000. Specifically within the budget, $430,000 will go toward grading, draining, and basing, $292,000 toward paving, striping, and traffic control markers, and $73,000 toward engineering and inspection. This request is consistent with the intended and authorized purpose of the Federal Highway Administration, Transportation & Community & System Preservation Account. The St. Clair County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: Shelby County Arts Council

Address of Requesting Entity: PO Box 624, Columbiana, AL 35051

Description of Request: Provide $95,000 to develop architectural plans for the construction of a performing arts facility in Columbiana, AL. The proposed 25,000-square-foot Arts Center will be a community arts education and performance facility. It will be located on approximately one acre of a seven-acre site on the corner of West College Street and Mill Street just one block from the revitalized downtown main street of Columbiana. This Center will provide multiple spaces for performance, education and exhibits and both indoor and outdoor gathering and event venues. These spaces will be open to the public as well as available for private income earning events for the Arts Center. The funding will be used to pay architectural fees associated with drawings for a new performing arts and education center located in Columbiana, Alabama. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The Shelby County Arts Council will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants

Legal Name of Requesting Entity: City of Calera

Address of Requesting Entity: 10947 Highway 25, Calera, Alabama 35040

Description of Request: Provide $200,000 for technology upgrades, improvements and add-ons for the Calera Police Department. As the population of Calera continues to grow, these technological advances will aid in providing more effective police protection. The department will be able to better utilize its officers in the field, reduce error in reporting, verify information in a more timely fashion, identify misbehavior by officers and citizens, and become as well equipped as other police forces around the nation who cover similar sized jurisdictions. The project's total budget is $499,600. Specifically within the budget, $162,000 will go toward Tough Book in-car MDTs, $16,200 toward in-car computer mounts, $13,500 toward e-ticket stripe readers, $10,800 toward thermal mobile printers, $4,500 toward printer mounts, $30,000 toward radio comm voter towers, $30,000 toward wireless radio voter transmitters, $162,000 toward in-car digital video cameras, $21,600 officer safety mini cams, $4,000 toward dispatch wireless head sets, $6,000 toward investigator surveillance cameras, $10,000 toward a jail camera system, $14,000 toward desk top computers, and $15,000 toward mobile radios. This request is consistent with the intended and authorized purposed of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants. The City of Calera will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: National Aeronautics and Space Administration, Cross Agency Support Account

Legal Name of Requesting Entity: McWane Science Center

Address of Requesting Entity: 200 19th Street, North, Birmingham, AL 35203

Description of Request: Provide $400,000 to advance science, technology, engineering and math education initiatives for McWane Science Center. The main objectives are to expand educational opportunities for students in these areas and to serve as a quality teacher training facility that will focus on inquiry-based education in the classroom. The center's desire is to specifically target schools that do not have the resources to provide these programs on their own. The project's total budget is $500,000. Specifically within the budget, $80,000 will go toward staff salaries/benefits, $100,000 toward teacher trainings/workshops—2,000 teachers, $150,000 toward Access—free educational field trips—15,000 students, $50,000 toward Outreach—200 classroom education programs, $75,000 toward Celebrate Science—statewide science fair, and $45,000 toward equipment and supplies. This request is consistent with the intended and authorized purpose of the National Aeronautics and Space Administration, Cross Agency Support Account. The McWane Science Center will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CULBERSON. Madam Speaker, as a Member of the Appropriations Committee, my highest priority is cutting wasteful government spending and balancing the budget. That is why I rejected over $338 million in project requests that were brought to my office. My answer for spending requests is always ''no'' unless the project is cost effective and serves a legitimate government purpose. I wholly support medical and scientific research, reducing congestion and travel time, and critical flood control projects. Those priorities are reflected in the projects that I support.

Each Member should be held accountable for the project requests they submit. Since becoming a Member of the Appropriations Committee, I have held myself accountable by posting my project request letters on my congressional website at www.culberson.house.gov. Additionally, pursuant to the Republican Leadership standards, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding projects I secured as part of H.R. 1105, the FY2009 Omnibus Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Texas Border Sheriff's Coalition

Address of Requesting Entity: 4141 Pinnacle Street #213, El Paso, Texas

Description of Request: Provides $4,500,000 to the Texas Border Sheriff Coalition to pay for overtime, hire additional deputies, and purchase equipment. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. This project supports Operation Linebacker, an initiative by the Texas Border Sheriff's Coalition to stop drug and human trafficking along the U.S.-Mexico border. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Memorial Hermann Healthcare System

Address of Requesting Entity: 9401 Southwest Freeway, Houston, Texas

Description of Request: Provides $300,000 to the Memorial Hermann Healthcare System to purchase interoperable communications equipment for the Life Flight Operations Center, the premier air ambulance service in the country serving a 150 mile radius around Houston, TX. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. This projects will enable state-of-the art dispatching, flight and weather monitoring, and data collection to enhance patient care and save lives. Memorial Hermann has already allocated $39.25 million in nonfederal money for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Texas Medical Center

Address of Requesting Entity: 2450 Holcombe Boulevard Suite 1, Houston, Texas

Description of Request: Provides $400,000 to purchase emergency communications equipment for the Emergency Communications and Mobility Center which serves as a coordinator for police and security information, emergency preparedness, emergency communications, emergency logistical support, and traffic mobility for the 46 member institutions of the Texas Medical Center. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Houston

Address of Requesting Entity: 900 Bagby, 2nd Floor, Houston, Texas

Description of Request: Provides $1,000,000 for the Houston interoperability initiative, to purchase communications equipment so the City's first responders, bomb

squad, and SWAT team can communicate with other regional law enforcement agencies. This request is consistent with the intended and authorized purpose of the Department of Justice, COPS Law Enforcement Technology account. This project has received funding from the COPS account in the past and the State of Texas has also contributed funding for this program. The City of Houston will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation; Airport Improvement Program

Legal Name of Requesting Entity: West Houston Airport

Address of Requesting Entity: 18000 Groeschke Road, Houston, Texas

Description of Request: Provides $142,500 to the West Houston Airport to purchase an Automatic Weather Observation Station to provide critical weather information to aircraft. This request is consistent with the intended and authorized purpose of the Department of Transportation, Airport Improvement Program account. This improvement project fits in line with the FAA's mission to enhance airport safety. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation; Buses and Bus Facilities

Legal Name of Requesting Entity: Houston METRO

Address of Requesting Entity: 1900 Main Street, PO Box 61429, Houston, Texas

Description of Request: Provides $475,000 for Houston METRO to purchase hybrid buses to replace the aging fleet and to continue expansion of the Park and Ride commuter bus system. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities account. Houston METRO will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Capital Investment Grants

Legal Name of Requesting Entity: Houston METRO

Address of Requesting Entity: 1900 Main Street, PO Box 61429, Houston, Texas

Description of Request: Provides $15,000,000 for the Advanced Transit Program/METRO Solutions Phase 2 for light rail projects along the North and Southeast corridors only and to study commuter rail lines along the US 90A, US 290 and Westpark corridors. This request is consistent with the intended and authorized purpose of the Department of Transportation, Capital Investment Grants account. Houston METRO will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Buses and Bus Facilities

Legal Name of Requesting Entity: Houston Galveston Area Council

Address of Requesting Entity: 3555 Timmons, Houston, Texas

Description of Request: Provides $950,000 for the Houston Galveston Area Council to purchase buses to improve mobility in the Texas Medical Center. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities account. This funding will purchase two buses and a limited number of vans for an internal transportation system to cut down on congestion and pollution in the Texas Medical Center. The Houston Galveston Area Council will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Harris County Hospital District

Address of Requesting Entity: 2525 Holly Hall, Houston, Texas, 77054

Description of Request: Provides $143,000 for new video endoscopic equipment, which is needed to provide diagnostic and treatment services to its indigent patient base and to handle the needs of a level one Trauma Center at Ben Taub Hospital. This funding will ensure continued access to the latest technology and treatment techniques for patients of this level one Trauma Hospital. It will also contribute to the health of the community, state and nation by contributing to the training of the next generation of health professionals. The Harris County Hospital District will contribute $2,000,000 to this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: M.D. Anderson Cancer Center

Address of Requesting Entity: 1515 Holcombe Blvd., Unit 422, Houston, TX, 77030

Description of Request: Provides $533,000 to support research involving the clinical study of new forms of cancer treatment. The study will bring together the research activities of all clinical divisions, departments, care centers, clinical trial programs and translational research centers at the requesting institution. M.D Anderson Cancer Center will provide additional project funding. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Houston

Address of Requesting Entity: 4800 Calhoun Road, Houston, TX, 77004

Description of Request: Provides $143,000 for research to develop new methods to control proliferating catastrophic diseases like cancer, stroke, and diabetes, as well as non-proliferating circumstances such as trauma. Funding will be used specifically for outfitting labs in the newly constructed University of Houston Science and Engineering Research Building; gene sequencing equipment; additional wet and dry clean room fabrication facilities; cell culture facilities and purification equipment; genetic synthesis equipment; tissue culture facilities; and high performance computing and data storage facilities for computational biology. An additional $5.4 million worth of grants will be provided: $900,000 from the Cullen Foundation; $500,000 from the M.D. Anderson Foundation; $2,000,000 from the Keck Foundation; and $2,000,000 from the Greater Houston Partnership. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Houston Baptist University

Address of Requesting Entity: 7502 Fondren Road, Houston, TX, 77074

Description of Request: Provides $95,000 to renovate Houston Baptist University's Skilled Nursing Lab to increase the number of students trained in nursing each year. Funds will be used to purchase equipment to provide ''real life patient care scenarios'' for students while several computer workstations with interactive CD programs will help students gain skills with clinical situations they will face in actual health care settings. Houston Baptist University will contribute $105,648 to this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Texas Children's Hospital

Address of Requesting Entity: 6621 Fannin Street, Houston, TX, 77030

Description of Request: Provides $190,000 for the Texas Children's Hospital (TCH) Neurological Research Institute for the purpose of treating diseases in very definitive ways so that the children can live normal lives. Scheduled for completion in 2010, the Neurological Research Institute will be a new model of excellence as the first dedicated facility in the United States to use a multidisciplinary research approach to understand the unique issues of a child's brain structure, development patterns and related diseases. The

370,000 square foot building will be home to more than 170 researchers who will bring new promise to those afflicted with neurological diseases as they look for new treatments for common pediatric neurological disorders like autism, epilepsy, Rhett syndrome, cerebral palsy and learning disorders. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Texas Health Science Center at Houston

Address of Requesting Entity: 7000 Fannin, Suite 600, Houston, TX, 77030

Description of Request: Provides $238,000 for equipment and faculty recruitment, which will advance breakthroughs in the understanding, prevention and treatment of developmental and neurodegenerative diseases including autism, Alzheimer's and brain injury; accelerated exploration and clinical testing of new pharmacological agents and new neurological and behavioral interventions with a reduced need for animal and human testing; and investment opportunities as technologies are developed and tested. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides $5,011,000 to continue critical detention excavation and channel construction along Brays Bayou, Houston, Texas. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides an earmark of $96,000 to continue the feasibility study for flood mitigation of Buffalo Bayou and Tributaries, White Oak Bayou, Texas. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides $96,000 to continue a general reevaluation study to obtain an endorsement from the Army Corps of a recommended project for flood control along Buffalo Bayou and Tributaries, Main Stem. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: PO Box 2562, Houston, Texas

Description of Request: Provides $20,766,000 for construction of the Houston portion of the Houston-Galveston Navigation Channels, near Beltway 8. The dredged material produced by the project is being used to create 4,250 acres of marshland over the 50-year economic life of the project and to rebuild historical islands that have been eroded over the years by storms and subsidence. The blended local cost share is 26%. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: PO Box 2562, Houston, Texas

Description of Request: Provides $478,000 for construction of the Houston portion of the Houston-Galveston Navigation Channels, near Beltway 8. These funds were needed following Hurricane Ike damage to the port. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: Port Authority of Houston, PO Box 2562, Houston, Texas

Description of Request: Provides $13,788,000 for operations and maintenance of the following areas in the Houston Ship Channel: Bayport Channel: Greens Bayou Channel; Houston Ship Channel from Sims Bayou to the Turning Basin; Houston Ship Channel from Morgan's Point to Exxon; Houston Ship Channel from Carpenter's Bayou; East/West Clinton Placement Area Levee Work and work in the Barbours Cut Channel. The Port of Houston Authority, as the local sponsor will contribute the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Agriculture Research Service, Salaries and Expenses

Legal Name of Requesting Entity: Baylor College of Medicine

Address of Requesting Entity: 1 Baylor Plaza, Houston, Texas

Description of Request: Provides $254,000 for the design and implementation of a human study to identify the facilitators and barriers that affect adherence of children to the Dietary Guidelines for Americans, a research question that was specifically highlighted by the 2005 Dietary Guidelines Advisory Committee. The local and state agency will provide a match of $250,000. I certify that neither I nor my spouse has any financial interest in this project.

A TRIBUTE TO LEO V. STIMMLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Leo V. Stimmler, who after 34 years of service to the NYC Health and Hospitals Corporation has decided to retire.

A native of Philadelphia, Pennsylvania, Mr. Stimmler graduated from Fordham University's School of Social Work. Shortly thereafter he joined the New York City Health and Hospitals Corporation. Hired by Earl Deane, chief psychiatric social worker at the Kings County Hospital's Bedford-Stuyvesant Addiction Treatment Center, Mr. Stimmler began a long career working with those dealing with addiction. In 1976, Mr. Stimmler was promoted to social work supervisor and, eventually, the head of the social work department.

In 1985, Mr. Stimmler was hired by Wayne C. Wiltshire and Arthur Wright to administer the HHC drug and alcohol treatment program at a sister HHC facility, the Cumberland Diagnostic and Treatment Center. With Phil Garrett, CASAC, they wrote successful grant applications for adolescent treatment, homeless families, acupuncture, women services, parolees and homeless veterans. In 1988, some of the homeless patients complained to Mr. Stimmler that it was difficult attending treatment at Cumberland during the day to then return to the shelter at night, to a drill floor with 700 beds in an armory facility pervaded by drugs and alcohol. Mr. Stimmler asked Holly Argent-Tariq, Cumberland's senior administrator, to help him convince Frank Gonzalez, the director of the Atlantic Mens Shelter, to set aside a separate room for 10 patients living in the shelter who were simultaneously attending alcohol and drug treatment programs. Mr. Gonzalez agreed, on the condition that the shelter resident supply proof of enrollment in a treatment program and make a pledge of abstinence. On April 22, 1989, Sara Rimer's article in the New York Times described the history and success of the first drug free dorm in a city shelter.

Within six years the outpatient clinic census at Cumberland went from 12,000 annual outpatient visits to 48,000. According to the New York City Bureau of Health Statistics, between January 1, 1988 and December 31, 1991, the number of deaths from drug abuse in Fort Greene, Brooklyn dropped from 30 percent to 10 percent.

In 1982, in response to difficulties retaining addiction counselors due to the lack of a career ladder, Mr. Stimmler asked the HHC Office of Behavioral Health to add senior addiction counselor to the corporate plan of titles. After working on the project for more than ten years with Brenda Ballenger and the addiction counselors of Cumberland, Woodhull and Kings County Hospitals, a new assignment level for the addiction counselor position was created. On January 29, 1993, Rosa Maria Gil, DSW, HHC Senior Vice President for Mental Health and Chemical Dependency Services, announced the creation of the titles of senior addiction counselor I and II.

In 1998 Mr. Stimmler was assigned responsibility for administering the Woodhull Chemical Dependency Program as well as Cumberland's.

Mr. Stimmler is married to Kathleen, whom he met 36 years ago at the Fordham School of Social Work; she is in charge of psychiatric social work at the Nassau University Medical Center. They have two children, Colin, who works for the City of New York's Department of Homeless Services as an Emergency Planner, and Chad, a data analyst, is employed by the Memorial Sloan-Kettering Cancer Center.

SAFE DRUG DISPOSAL ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. INSLEE. Madam Speaker, I am proud to announce the introduction of the Safe Drug Disposal Act of 2009. This important bill allows states the opportunity to continue their outstanding work to clean up our streets and waterways from unused pharmaceuticals, including both controlled and uncontrolled substances. It is my hope that Congress will give as much attention to this bill as it deserves.

In 1970, the Controlled Substances Act was enacted into law under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. This valuable act was designed to protect the American public from recreational use of controlled substances by creating a closed loop system, which restricts the movement of controlled substances to individuals designated to handle such substances. Unfortunately, as we learn more about the high risks of controlled substances on our streets and in our water ways, the Controlled Substances Act has inadvertently established a barrier between safe and unsafe disposal methods of unused or unwanted controlled substances. Without amending this law, controlled substance abuse on our streets and prescription drug pollution of our water ways will continue to rise.

In 2007, a study conducted by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services found that, while cocaine and methamphetamine use among young adults dropped significantly, prescription drug abuse increased. Among young adults ages 18 to 25, the level of current nonmedical use of prescription pain relievers has risen 12 percent. Further, results of a separate study of seventh through twelfth grade students released on April 21, 2005 by the Partnership for a Drug-Free America indicated that teenagers are more likely to have abused a prescription pain medication to get high than they are to have experimented with a variety of illicit drugs including ecstasy, cocaine, crack, and LSD. During this study, one in five teenagers reported using the controlled substance Vicodin without a prescription; approximately ten percent reported using the controlled substance OxyContin without a prescription; and ten percent reported having used prescription stimulants, Ritalin and/or Adderall, without a prescription.

One reason why pharmaceutical drug diversion has increased over the last few years is the availability of unused prescription drugs. Among teenagers surveyed in the April 21, 2005 study administered by the Partnership for a Drug-Free America, fifty percent indicated that prescription drugs are widely available, one-third indicated that prescription drugs were easy to purchase over the Internet, and sixty-three percent said they could easily obtain prescription opiates and painkillers from their own home. Family medicine cabinets all across America have turned into the drug dealers of today.

It is not irresponsibility that has driven the abundance of pharmaceuticals in households across America. Americans have their hands tied when they look to dispose of unused pharmaceuticals. The choice to either throw them in the trash or flush them down the toilet is environmentally unacceptable. Recent reports indicate traces of common medicines such as acetaminophen, hormones, blood pressure medications, codeine and antibiotics in very low concentrations in 80 percent of samples taken from 139 streams across 30 states. Researchers are continuously finding diluted concentrations of pharmaceutical residues harm fish, frogs and other aquatic species in the wild and impair the workings of human cells in laboratories.

Many Americans understand the need for appropriate disposal methods in their communities. Just last year, Local Hazardous Waste Management Program in King County, WA collected over 1,100 lbs of uncontrolled substances per month during their Safe Medicine Return Pilot program. It is programs like these that will provide a safe means of disposal to take prescription drugs off the streets and out of our water.

I am pleased to introduce the Safe Drug Disposal Act of 2009. It is my hope that Congress will consider this important piece legislation to keep our communities and waterways free from waste pharmaceuticals.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, The Omnibus Appropriations Act, 2009:

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: NOAA—Operations, Research and Facilities, Title: Delaware River Enhanced Flood Warning System, Legal Name of Requesting Entity: Delaware River Basin, Commission Address of Requesting Entity: 25 State Police Drive, PO Box 7360, West Trenton, NJ 08628, Description of Request: To assist the Delaware River Basin Commission, in conjunction with NOAA/NWS, USGS and the U.S. Army Corps of Engineers, with the enhancement of the basin's flood warning system. This enhancement will include the evaluation and improvement of existing precipitation and stream gage networks, development of additional NOAA flood forecast points in both non-tidal and tidal stream reaches, and merger of GIS and Doppler radar technology to improve flash flood warning capabilities for smaller watersheds.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: NOAA—Operations, Research and Facilities, Title: Flood Awareness and Emergency Preparedness Education Campaign Legal Name of Requesting Entity: Nurture Nature Foundation, Address of Requesting Entity: 400 Northampton Street, Easton, PA 18042, Description of Request: The project will support a flood awareness and emergency preparedness education campaign for citizens of flood-prone areas. The campaign will be initiated in the recently flooded regions along the Delaware River, in the four basin states of Pennsylvania, New Jersey, Delaware and New York, but the materials will be applicable nationwide.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: COPS Law Enforcement Technology, Title: Lehigh Valley Regional Crime Center Technology Infrastructure, Legal Name of Requesting Entity: Allentown Police Department, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101, Description of Request: The Lehigh Valley Regional Crime Center Technology Infrastructure project will enhance the effectiveness of a bi-county Regional Crime Center by making necessary improvements to the facility's technology infrastructure. This will enable the development of a comprehensive database that integrates information from 53 local law enforcement agencies, and provides agents with new, critical analysis capabilities. Providing local law enforcement agencies the ability to share and search information will dramatically improve efforts to fight crime throughout the region.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: OJP—Byrne Discretionary Grants, Title: Anti-Gang Youth Initiative, Legal Name of Requesting Entity: City of Allentown and ALERT Partnership, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101 and 17th and Chew Streets, P.O. Box 7017, Allentown, PA 18105, Description of Request: The project will enhance and sustain model programs developed through the Allentown Anti-Gang Task Force. This task force was created through the Route 222 Corridor Anti-Gang Initiative, which was funded in 2007 by a Department of Justice grant. The project will allow the task force to slow the recruitment of youth into the gang lifestyle and develop multi-faceted strategies for early intervention to remove young people and teens from gangs. Additionally, the project

will strengthen partnerships between local grassroots and faith-based groups working to combat crime and violence.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: OJP—Byrne Discretionary Grants, Title: Gang and Youth Violence Security Initiative, Legal Name of Requesting Entity: School District of the City of Allentown, Address of Requesting Entity: 31 South Penn Street, PO Box 328, Allentown, PA 18105, Description of Request: For the past three years the Allentown School District has seen an increase in the amount of critical incidents involving violent behavior. Recently, national gangs have penetrated the region and brought with them a more organized and better supported system to augment local gang activity. This has increased the number of adjudicated youth in the area, and has increased the severity and number of disciplinary issues in Allentown's schools. This initiative will enhance security training and equipment to provide for a safer Allentown School District. The additional security measures will help the district get a better handle on the activities occurring in and around its schools.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Investigations—FPMS, Title: FPMS: Southeastern, PA, Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Philadelphia District (NAP), Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107, Description of Request: This funding will allow the Army Corps of Engineers to provide local communities planning tools that could help reduce damages from future flooding in southeastern Pennsylvania. Devastating flooding in 2004, 2005 and 2006 caused tremendous damages in the region. Providing flood mapping, flood warning, and other nonstructural measures could help to reduce future damages and even help save lives.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Investigations, Title: Delaware River Comprehensive, NY, NJ, PA & DE, Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Philadelphia District (NAP), Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107, Description of Request: This funding will provide for an interim feasibility study by the Army Corps of Engineers with the Delaware River Basin Commission (DRBC) that will be used to develop a flood analysis model and watershed flood management plan, and evaluate and enhance the Delaware River Basin's existing flood warning system.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Expenses, Title: Mid-Atlantic River Commissions, Legal Name of Requesting Entity: Delaware River Basin Commission (DRBC), Address of Requesting Entity: 25 State Police Drive, P.O. Box 7360, West Trenton, NJ 06828, Description of Request: This funding will fulfill the federal obligation established in the Delaware River Basin Compact (P.L. 87–328, Article 13, Section 13.3c) to support the Delaware River Basin Commission. Activities to be funded include water quality protection, water supply allocation, flood loss reduction, drought management, watershed planning, permitting, and water conservation.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Advanced Power Batteries for Renewable Energy Applications, Legal Name of Requesting Entity: East Penn Manufacturing, Address of Requesting Entity: Deka Road, Lyon Station, PA 19536, Description of Request: Funding will provide for the design, testing, and fabrication of new advanced lead acid battery energy storage technology that could be used to balance the fluctuating generation of electricity in current wind and solar power systems. This technology would produce larger, safer, cleaner, and more affordable energy storage options than are currently available. This project, conducted with Sandia National Laboratories and the Bonneville Power Administration, will lead to a new advanced lead acid battery that will serve as a longer lasting, cleaner, more affordable, American-made solution to the load leveling challenge plaguing several renewable energy systems.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Clean Technology Commercialization Initiative, Legal Name of Requesting Entity: Ben Franklin Technology Partners Corporation, Address of Requesting Entity: 125 Goodman Drive, Bethlehem, PA 18015, Description of Request: This funding will support clean/alternative energy technology development and commercialization activities to encourage the development and growth of energy-related technologies and companies in Pennsylvania. The initiative will enable the Commonwealth to strategically invest in one of its most competitive sectors, leverage additional public and private investment, create high-wage jobs and help enable sound environmental practices.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Fuel Cell Optimization and Scale-Up, Legal Name of Requesting Entity: Dynalene, Inc, Address of Requesting Entity: 5250 West Coplay Street, Whitehall, PA 18052, Description of Request: Funding will provide for the development and optimization of methods to scale-up production of a new patented fuel cell coolant which is already available in sample quantities (1 to 3 gallons). This technology uses a base liquid mixture and an additive package. The base mixture is designed to have a freezing point below -40 °C, thermo-physical properties similar to the current automotive antifreeze, and possesses no flash point. The additive package in the coolant has been designed to maintain very low electrical conductivity, a critical requirement for cooling fuel cells. No other coolant available today can do this job by itself.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Lehigh Valley Hospital Photovoltaic Panel Installation, Legal Name of Requesting Entity: Lehigh Valley Hospital, Address of Requesting Entity: Cedar Crest and I–78, P.O. Box 689, Allentown, PA 18105, Description of Request: This funding will enable the installation of 300 kW of photovoltaic (solar) panels on the roofs of multiple buildings at the Lehigh Valley Hospital campus in the City of Allentown, PA and the Lehigh Valley Hospital Muhlenberg campus in the City of Bethlehem, PA. These photovoltaic panels will produce a percentage of the total electricity required for the operation of the hospital buildings.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Fossil Energy R&D, Title: ITM Reaction-Driven Ceramic Membrane Systems, Legal Name of Requesting Entity: Air Products and Chemicals, Inc., Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195, Description of Request: This funding will support the development of ITM Oxygen technology for industrial-scale oxygen production and ITM Syngas technology for production of synthesis gas (hydrogen and carbon monoxide) from natural gas. The development of ITM Reaction-Driven ceramic membrane systems will synergistically utilize the technology developed in both the ITM Oxygen and ITM Syngas projects. ITM Reaction-Driven membranes can be integrated into a state-of-the-art gasification system to produce synthesis gas to generate advanced electric power, hydrogen, or other clean fuels. This versatile technology can be applied in a cost-effective and environmentally responsible manner to a broad list of energy sources, including coal, natural gas, liquid hydrocarbons, biomaterials, and waste materials.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division D: Financial Services and General Government Appropriations Act, Account: SBA, Title: Northampton Community College Electrotechnology Applications Center, Legal Name of Requesting Entity: Northampton Community College, Address of Requesting Entity: 3835 Green Pond Road, Bethlehem, PA 18020, Description of Request: The Northampton Community College Electrotechnology Applications Center (ETAC) provides confidential assistance to businesses and manufacturers to help them increase productivity, improve energy efficiency, and achieve and maintain environmental compliance. Specifically, ETAC helps small businesses gain a competitive advantage by applying alternative technologies to improve heating, drying, coating and curing processes. This project addresses a statewide initiative to provide support for proactively reducing emissions from the manufacturing sector. Funding will be used to continue the Center's small business program which helps manufacturers reduce green house gas (GHG), volatile organic compound (VOC), and hazardous air pollutant (HAP) emissions. The ETAC identifies opportunities to quantify and reduce GHG, VOC and HAP emissions by pro-actively marketing grant services, presenting workshops and seminars to raise awareness, and conducting the necessary training programs to implement solutions. Additionally, ETAC staff perform site visits to evaluate businesses'

processes, equipment and facilities, and provide an unbiased assessment of emissions reduction opportunities.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: Save America's Treasures, Title: State Theatre Historic Façade, Legal Name of Requesting Entity: State Theatre Center for the Arts, Inc., Address of Requesting Entity: 453 Northampton Street, Easton, PA 18042, Description of Request: The project will facilitate significant façade repair and preservation, specifically windows and a restored marquee for the State Theatre in Easton, PA. These improvements will help enhance and preserve the Theatre which has been a key component of efforts to revitalize Easton's Historic District.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: STAG Water and Wastewater Infrastructure Project, Title: Salford Township, Tylersport Sewer Improvements, Legal Name of Requesting Entity: Salford Township, Address of Requesting Entity: P.O. Box 54, Ridge Road, Tylersport, PA 18971, Description of Request: The project will support the implementation of a public sewer system in the Tylersport area. The total project cost is estimated at $2,200,000. Tylersport Village, located in Salford Township, currently has a significantly high percentage rate of failing on-lot septic systems. This funding will allow for approximately 108 village homes to be connected to a public sewer system that is being built to accommodate a new development of 190 homes in close proximity to the village.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: STAG Water and Wastewater Infrastructure Project, Title: Lower Milford Township in Lehigh County for wastewater treatment plant construction project, Legal Name of Requesting Entity: Lower Milford Township, Address of Requesting Entity: 7607 Chestnut Hill Church Road, Coopersburg, PA 18036, Description of Request: The project will assist with the construction and installation of a municipal sewage treatment plant in Lower Milford Township. The plant will provide critically needed infrastructure to reach compliance with the Pennsylvania Sewage Facilities Act and the Clean Streams Law. Due to the need for public sewage within the village, no additional businesses have located in Limeport and no expansion of the existing businesses can occur. With the construction of a municipal sewer plant, the village of Limeport can experience economic growth by attracting new and expanded businesses, tourism and the addition of jobs within the community.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Higher Education, Title: Cedar Crest College, Allentown, PA for nursing curriculum development, including purchase of equipment, Legal Name of Requesting Entity: Cedar Crest College, Address of Requesting Entity: 100 College Drive, Allentown, PA 18104, Description of Request: Funding will be used to develop and implement a community-based, direct-care fall prevention program to reduce the risk of falling among the elderly population and prolong the time in which program participants are able to reside in independent living, senior-housing facilities in the Lehigh Valley region of Pennsylvania. Funding will be used to redesign a bachelor's-level nursing gerontology course, including simulation technology; to fully integrate a gerontological thread across the new Master of Science in Nursing program; to pay for salaries and faculty release-time needed to establish the program; and to provide portable equipment needed to assess and educate senior-citizen participants in their homes.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Higher Education, Title: Lehigh Career & Technical Institute, Schnecksville, PA for purchase of equipment, Legal Name of Requesting Entity: Lehigh Career and Technical Institute, Address of Requesting Entity: 4500 Education Park Drive, Schnecksville, PA 18078, Description of Request: This initiative will address the critical workforce shortage of diesel technicians and tractor trailer drivers by enhancing the Lehigh Career & Technical Institute's technological and instructional capabilities. Digital instructional technology investments will enhance distance learning opportunities, interactive simulator training, and vehicle repair and driver training. This initiative will allow LCTI to develop their technological capabilities to include high speed network connections to facilitate distance learning, thin client servers and computer stations, category six network cable, digital web cameras, wireless connectivity, monitors, interactive whiteboards and software. Additionally, the funding will allow secondary and postsecondary instructors at LCTI to learn the most recent repair procedures and logistics operations.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: HCSC Blood Center, Bethlehem, PA for facilities and equipment, Legal Name of Requesting Entity: HCSC (Miller-Keystone) Blood Center, Address of Requesting Entity: 1465 Valley Center Parkway, Bethlehem, PA 18017, Description of Request: Funding will support renovations of the Miller-Keystone Blood Center's main laboratory and collection facility. The Miller-Keystone Blood Center is the only supplier of blood products to the hospitals in Berks, Carbon, Lehigh, Northampton, Southern Luzerne, Upper Bucks and Upper Montgomery (PA), and Warren (NJ) counties. Donated blood is tested for safety and efficacy and processed into blood products for patient care at the laboratory prior to being transported to 17 local hospitals and other health care providers.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: Sacred Heart Hospital, Allentown, PA for purchase of equipment, Legal Name of Requesting Entity: Sacred Heart Hospital of Allentown, Address of Requesting Entity: 421 Chew Street, Allentown, PA 18102, Description of Request: This project will support the purchase of operating room equipment essential for treatment and service for Hospital patients. Specifically, funding will be used to purchase an eye microscope for cataract surgeries, a micro drill for orthopedic cases, an ECT monitor for treatment of clinical depression, two electric operating room beds, and a Glidescope for anesthesia for intubations on children and older adults. Sacred Heart Hospital is a 226-bed, acute care teaching hospital in the City of Allentown.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: St. Luke's Hospital and Health Network, Allentown, PA for purchase of equipment, Legal Name of Requesting Entity: St. Luke's Hospital and Health Network, Address of Requesting Entity: 1736 Hamilton Street, Allentown, PA 18104, Description of Request: Funding will be used to purchase equipment for a new technologically advanced Operating Suite that is part of a $75 million hospital expansion project in the City of Allentown. The Operating Suite is part of an expansion project to increase hospital services that will allow St. Luke's to meet growing patient needs and improve support service areas.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment, Title: Treatment Trends, Inc., Allentown, PA for a substance abuse treatment initiative, Legal Name of Requesting Entity: Treatment Trends, Inc., Address of Requesting Entity: 18–22 South Sixth Street, Allentown, PA 18101, Description of Request: The project will enable the implementation of a community-based drug and alcohol addiction and PTSD treatment center dedicated to serving Veterans and their families. Unfortunately, Veterans returning from combat are at great risk to abuse drugs and alcohol as a means to cope with their experiences. Additionally, many Veterans suffer from the effects of PTSD, which are compounded by substance abuse. The program is designed to provide long-term addiction treatment, specialize in the treatment of PTSD, and assist Veterans and their families by intervening in periods of acute distress.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Buses and Bus Facilities, Title: Bus Purchase, LANTA, PA, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority, Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: The project will support the purchase of five heavy-duty transit buses, which will improve and expand public transportation services throughout the Lehigh Valley region. The Authority's existing fleet of 78 buses must be

expanded to continue LANTA's successful development efforts, which has recently seen a 65 percent increase in transit usage.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Surface Transportation Priorities, Title: Realignment and Intersection Improvements on PA Route 248, Bath, PA, Legal Name of Requesting Entity: Pennsylvania Department of Transportation, Address of Requesting Entity: 1002 Hamilton Street, Allentown, PA 18101, Description of Request: This project will provide realignment and intersection improvements on PA Route 248 in the Borough of Bath, PA. This project will better align existing streets in the Borough with PA Route 248 and PA Route 512, which have become major thoroughfares for the area's growing population. These improvements will help alleviate congestion and enhance safety on increasingly critical roads.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Transportation, Community and System Preservation, Title: Old Allentown Streetscape Improvements, PA, Legal Name of Requesting Entity: City of Allentown, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101, Description of Request: The project will provide streetscape improvements for an urban historic district within the City of Allentown that is experiencing infrastructure deterioration. Improvements will include curbing and sidewalk replacement and the installation of decorative street lighting, trees, new ADA compliant handicap ramps, and street pace for improved safety at busy crosswalks.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Economic Development Initiative, Title: Renovation of a warehouse into a modern facility that will provide services in health, education, social services and community development, Legal Name of Requesting Entity: Casa Guadalupe Center, Address of Requesting Entity: 143 Linden Street, Allentown, PA 18101, Description of Request: The project will revitalize a neighborhood warehouse into a modern facility that will provide services in health, education, social services and community development. The renovated warehouse will become a community building that will combine recreation, community activities, employment training for young adults and a health clinic for uninsured or underinsured individuals.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Economic Development Initiative, Title: Establishment of a facility designed to offer specialized therapy and counseling services to children and their families, Legal Name of Requesting Entity: Children's Home of Easton, Address of Requesting Entity: 2000 South 25th Street, Easton, PA 18042, Description of Request: The project will allow for the construction of a 1,600 square foot facility designed to offer specialized therapy and counseling services to youth ages 9 to 21 and their families. This will facilitate the Children's Home of Easton's effort to consolidate various locations into one centralized site while expanding services. The Center will include 2 therapy rooms for clinical staff, a family lounge, an activity area and a landscaped courtyard.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Economic Development Initiative, Title: Renovation of the Bethlehem YMCA's dormitory, Legal Name of Requesting Entity: YMCA of Bethlehem, Address of Requesting Entity: 430 East Broad Street, Bethlehem, PA 18018, Description of Request: The project will renovate the Bethlehem YMCA's 60-year-old dormitory creating Bethlehem YMCA Affordable Housing, LLP. This facility will provide safe and affordable housing for low-income, homeless and the working poor men and women. Additionally, the Bethlehem YMCA project will create a blend of single room occupancy units and efficiency apartments, employ an onsite case manager and provide both on and off site services geared towards enriching the lives of its residents by not only providing a place to stay but means to achieve greater independence.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act:

DIVISION B

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Claremont, CA

Address of Requesting Entity: 207 Harvard Avenue, Claremont, CA 91711

Description of Request: Provide an earmark of $1.8 million to acquire necessary equipment for the Claremont police station and emergency operations center (EOC). The activities and use of Federal funds for this are consistent with the language authorized by PL 107–273, 116 Stat. 1758. This is the last year funding will be needed to complete this aspect of the program. The City of Claremont will provide $500,000 (22%) for the local cost share.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Los Angeles Sheriff's Department

Address of Requesting Entity: 47 Ramona Boulevard, Monterey Park, CA 91754

Description of Request: Provide an earmark of $300,000 to help create ''Gang-Coplink,'' an artificial intelligence based software application, to enable Federal, State, and local law enforcement agencies to more effectively share, integrate, search, and analyze information relating to gangs. Coplink is already utilized county-wide by all law enforcement agencies and provides accurate and timely crime information and crime analysis. Gang-Coplink will import the Los Angeles area CalGang database for a new countywide gang intelligence analytical information system and will interact with the Regional Terrorism Information and Integration System (RTIIS) Coplink. The RTIIS also contains the record management system (RMS) data from the other police departments in the County as well as Federal law enforcement agencies, such as the FBI, ATF, DEA, U.S. Marshals Service, and Bureau of Prisons. $200,000 or 2/3 of the funding will be applied to storage hardware and $100,000 or 1/3 will be utilized for server hardware. This is consistent with the intended and authorized purpose of the OJP Byrne Discretionary grants.

DIVISION C

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, CA 91710

Description of Request: Provide an earmark of $5,000,000 for the Inland Empire Regional Water Recycling Project with 50% for purple pipe and 50% for storage tanks to produce 100,000 acre feet of new recycled water annually. The project is authorized in P.L. 108–361, Title 1, Section 103 (d)(3) and additional specific authorization is provided in P.L. 110–161, Sec. 210. The total project cost is $226 million. As is consistent with law, the federal share is capped at $20 million, which is less than 10% of the total cost of the project.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: San Gabriel Basin Water Quality Authority

Address of Requesting Entity: 1720 West Cameron Ave., Suite #100, West Covina, California, 91790

Description of Request: Provide an earmark of $3,500,000 for the San Gabriel Basin Restoration Fund to continue the design, construction, and operation of water projects to contain and treat the spreading groundwater contamination in the San Gabriel and Central Water Basins. The San Gabriel Basin Water Quality Authority was established by California State law under SB1679 in 1993 to develop, finance and implement groundwater treatment programs in the San Gabriel Basin and act as a clearing house for federal funds that have been appropriated for these programs. The project is authorized in P.L. 106–554 and this request is consistent with the intended and authorized purpose of the Bureau of Reclamations Water and Related Resources account. The current authorization ceiling for the Restoration Fund has yet to be reached, with roughly $7,000,000 yet to be appropriated. The San Gabriel Basin Water Quality Authority will provide a minimum of a 35% cost share which will come directly from the Water Quality Authority.

DIVISION D

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Small Business Administration

Legal Name of Requesting Entity: Fairplex

Address of Requesting Entity: 1101 West McKinley Avenue, Pomona, CA 91768

Description of Request: Provide an earmark of $300,000 for the construction of the Fairplex Trade and Conference Center, an 85,000 square foot, state-of-the-art conference and exhibition center, complete with broadband connectivity, campus-wide wireless integration as well as satellite two-way communications geared to attracting and benefiting small businesses. The project is sited in the country's third largest non-port Foreign Trade Zone (FTZ) and will provide the ability to display and demonstrate goods and services to international markets via established channels with the local economic council and the areas universities. 100 % of the funds will be utilized for ongoing construction of the center. The majority of the total cost of the project is from non-federal sources including Fairplex (a non-profit organization), the City of Pomona, Los Angeles County, private donations and competitive grants. This project is consistent with the mission of the Small Business Administration.

DIVISION E

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: EPA STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Arcadia, California

Address of Requesting Entity: 240 West Huntington Drive, Arcadia, CA 91066

Description of Request: Provide an earmark of $500,000 for the cities of Arcadia and Sierra Madre for their Joint Water Infrastructure Projects. Arcadia's project will provide for the finalization of the design and a share of the construction cost for the Baldwin Reservoir Rehabilitation Project. Approximately, $50,000 is for design finalization; and the remaining $200,000 for a portion of the construction cost of the project. For Sierra Madre's projects, approximately $150,000 will be for the design of a Water Supply Well to replace an existing well with a new high capacity well, and $100,000 for the replacement of undersized water transmission and distribution pipelines to improve water reliability. Each city will provide a 45% local match to the 55% EPA STAG funding, as required.

DIVISION F

Requesting member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of requesting entity: San Antonio Community Hospital

Address of requesting Entity: 999 San Bernardino Road, Upland, CA 91786

Description of request: Provide an earmark of $761,000 to create a new cardiac catheterization laboratory using digital imaging for cardiac and vascular diagnosis and intervention. The cost of three new cardiac catheterization and cardiovascular imaging and intervention machines is approximately $2.8 million. 100% of the funding will help purchase one of the new machines, which costs $989,895. San Antonio Community Hospital will provide the remaining 24% of the cost of this machine. These funds will be generated from community support through donations and from operating income. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Methodist Hospital of Southern California

Address of Requesting Entity: 300 W. Huntington Drive, Arcadia, CA 91007

Description of Request: Provide an earmark of $904,000 for construction of the new patient tower project. Approximately $768,000 will be used for equipment and IT, including $335,000 for ultrasound machines, $114,000 for MRSA detection, $106,000 for IT hardware and software and $213,000 for IT equipment. The remaining $136,000 will be used for construction. Hospital reserves and debt financing will fund $125 million of the patient tower project. The build-out and equipping of the Emergency Department depends on grants and philanthropic support from the community. A fundraising campaign to raise $25 million was launched with $24 million in gifts and pledges received to date. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

DIVISION I

Requesting Member: Congressman DAVID DREIER

Bill Number: HR 1105, FY09 Omnibus Appropriations Act

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: City of Monrovia, CA

Address of Requesting Entity: 415 S. Ivy Avenue, Monrovia, CA 91016

Description of Request: Provide an earmark of $237,000 for the Station Square Transit Village bus layover and park and ride project. 100% of the funds will be used to acquire property for the bus layover facility and prepare plans for its construction as well as providing adequate pedestrian access to the site. This request is consistent with the intended and authorized purpose of Buses and Bus Facilities funds. The City of Monrovia will provide the 20% local match for this project.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Interstate Maintenance Account

Legal Name of Requesting Entity: City of Rancho Cucamonga, CA

Address of Requesting Entity: 10500 Civic Center Drive, Rancho Cucamonga, CA 91730

Description of Request: Provide an earmark of $712,500 for the construction of the I–15/Base Line Road Interchange improvements project. 100% of the funding will be used for construction of the interchange which includes two new bridge structures for the southbound on/off ramps, a loop ramp for westbound Base Line Road to southbound I–15, and the widening of the on and off ramps on the east side. The project also improves East Avenue to provide curb, gutter, and sidewalks, as well as the widening of the Base Line Road to provide two left turn lanes for eastbound Base Line Road to the northbound I–15. This request is consistent with the intended and authorized purpose of the Federal Highway Administration Interstate Maintenance Discretionary Program. The City of Rancho Cucamonga is providing over 70% of the total cost of the project, as a local match, through the following funding sources: $9,800,000 from Development Impact Fees; $9,200,000 from the Rancho Cucamonga Redevelopment Agency; $9,800,000 from Measure I Funds and $4,600,000 from the City of Fontana.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Foothill Transit

Address of Requesting Entity: 100 S. Vincent Street, Suite 200, West Covina, CA 91790

Description of Request: Provide an earmark of $1,187,500 to replace diesel buses with cleaner burning compressed natural gas (CNG) buses, and continue Foothill Transit's efforts to convert its entire 314-bus fleet to CNG. 100% of the funds will be used for CNG bus procurement. The total budget for this project is $20.6 million, of which approximately 25% will derive from state and local funding sources, including MOSIP (Municipal Operator Service Improvement Program) and Prop 1B (both local), and STA (State Transit Assistance).

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Surface Transportation Priorities, Grade Crossings on Designated High Speed Rail Corridors

Legal Name of Requesting Entity: Alameda Corridor-East Construction Authority

Address of Requesting Entity: 4900 Rivergrade Road, Suite A120, Irwindale, CA 91706

Description of Request: Provide an earmark of $1,235,000 for the construction of a two-mile railroad trench to grade separate four rail/highway crossings in the City of San Gabriel, CA (San Gabriel Trench Project). 100% of the funding will be used for the construction of the San Gabriel Trench. This federal funding provides the match for the approximately $388,564,000 (70% of Total Project Cost) in California State and Local funding already committed to the Project. In addition, provide an earmark of $570,000 to be used to support the construction of the San Gabriel Trench Project and other Alameda Corridor-East grade separation projects by the Alameda Corridor-East Construction Authority. 100% of the funding will be used to support the construction of the aforementioned projects.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Metro Gold Line Foothill Extension Construction Authority

Address of Requesting Entity: 406 E. Huntington Drive, Suite 202, Monrovia, CA 91016

Description of Request: Provide an earmark of $237,500 to complete an assessment of Transit Oriented Development (TOD) along Phase II of the Gold Line Foothill Extension. Approximately, $100,000 or 42% is for economic analysis; $100,000 or 42% for engineering; and $37,500 or 16% for environmental assessment. This request is consistent with the intended and authorized purpose of the Surface Transportation Priorities account. This funding will complete the TOD study. The Metro Gold Line Foothill Extension Construction Authority will provide a minimum of a 20% local cost share with local funds.

NATIONAL PEACE CORPS WEEK

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the efforts of our nation's Peace Corps volunteers in honor of National Peace Corps Week. Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 195,000 U.S. Citizens have served their country in the cause of peace by living and working in 139 countries throughout the world. Each Volunteer sent out into the field represents another opportunity to dispel myths about the United States, to help people of interested countries meet their need for trained men and women, and to create lasting bonds of friendship with host country citizens. Volunteers are currently providing expertise and development assistance to 76 countries and are working to find common ways to address global challenges. These Volunteers share their time and talent serving as teachers, business advisors, information technology consultants, agriculture and environmental specialists, and health and HIV/AIDS educators. The Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grassroots level in the developing world.

I would like to commend our proud nation's Peace Corps volunteers for their service, particularly those 58 men and women of the Eleventh Congressional District of Virginia who are currently serving as volunteers: Lauryn Alleva, Alfred Baldwin, Anne Berwick, Albert Bond, Erica Brouillette, Casey Burke, Daniel Cassiday, Alexander Chidakel, Kelly Connors, Rhiannon Cooper, David Coscia, Eric Crowder, Kevin Dansereau, Ryan Dickriede, David Doane, Scott Estep, Brian Fries, Evan Gay, Jeffrey Gilleo, Nathan Graham, Nathan Hernandez, Michaela Hoffman, Thomas Holian, Rachel Kavanagh, Matthew Keenan, Dianne Kim, Shinhee Kim, Melissa Ko, Rachel Kramer, Phuong-Thuy Le, Hye Lee, Laara Manier, Katherine Mariska, Paul Mastin, Alona Mays, Kelly McCormack, Russell McDaniel, John McGrath, Jonathan Mellor, Theresa Milstein, Matthew Mozingo, Karine Nankam, Trevor Perrier, Jessica Pic, Jennifer Polasek, Mathis Pollock, Jonathan Seiden, Hanna Simering, Jonathan Styron, Mary Thur, Rachel Vanderburg, Amy Vaughters, Christine Wahle, Joshua Wayland, Jessica West, Clemens Weygandt, Courtney Wong, and Dale Yurovich. I consider it a great honor to represent these noble men and women, who travel great distances and make great sacrifices to help reaffirm our country's commitment to helping people help themselves throughout the world.

Madam Speaker, I ask my colleagues to join with me today to acknowledge the thousands of Americans who serve and have served as Peace Corps Volunteers. They are a great credit to our country, and we should applaud them.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community, and System Preservation (TCSP) program account.

Legal Name of Requesting Entity: Santa Rosa County, Florida

Address of Requesting Entity: 6495 Caroline St., Suite M, Milton, FL 32570

Description of Request: $475,000—Four Lane-PD&E Study, State Road 87 in Santa Rosa County, Florida. I requested these funds to expand the Project Development and Environmental (PD&E) study phase for SR 87. The study would include a triangular study area defined by the following three points: 1) north of Clear Creek Bridge on SR 87 near NAS Whiting Field, 2) the intersection of US 90/Glover Lane, and 3) the intersection of US 90/SR 87 South. The justification is fivefold: 1) to complete a 4-lane regional corridor from the Gulf Coast to the Alabama State Line with an ultimate goal to connect to I–65 in Alabama; 2) to provide four lanes of capacity for South Santa Rosa hurricane evacuation and recovery along the only road which is open when the US 98, US 90, I-10, and SR 281 bridges are impassable; 3) to provide for economic development among existing and planned industrial/commercial facilities and tourism attractions that lie along SR 87; 4) to support the Hurlburt Field and Eglin Air Force Base military missions of national significance; and 5) to solve the issue of additional capacity needed through or around the City of Milton which has local and regional implications. In FY 06, this project received $4 million in SAFETEA–LU, High Priority Projects account. Last year, the project received $492,000 in the TSCP Account. I requested funding from the Transportation, Community, and System Preservation (TCSP) program account.

The entity to receive funding for this project is Santa Rosa County, Florida located at 6495 Caroline St, Suite M, Milton, FL 32570. The funding would be used to complete the PD&E study phase and design for the project. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Okaloosa County, Florida

Address of Requesting Entity: 1804 Lewis Turner Boulevard, Suite 400, Fort Walton Beach, FL 32547

Description of Request: $95,000—Okaloosa County Improvements to Fairchild Road and Hare Street, Florida. I requested funding from the FHWA Transportation, Community and System Preservation (TCSP) Program. This funding would help provide for construction and upgrading of these roadways. Both roads serve as an ingress/egress into an industrial airpark/airport/military contractor complex. The roads are in need of paving, drainage improvements, and widening.

The entity to receive funding for this project is Okaloosa County, Florida, located at 1804 Lewis Turner Boulevard, Suite 400, Fort Walton Beach, FL 32547. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Walton County, Florida

Address of Requesting Entity: 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435

Description of Request: $95,000—Choctawhatchee Bay Bridge Widening. I requested funding in the FHWA Transportation, Community and System Preservation (TCSP) Program account FY09. Funding will support additional design, right of way and construction to provide enhancements to the Choctawhatchee Bay Bridge in order to allow for additional capacity for evacuation purposes and regional economic development. The bridge and US Highway 331 are the county's major evacuation route and have a 30 hour evacuation time. The Preliminary Design and Engineering Study was done in 1995 and 60 percent of the design has been completed.

The entity to receive funding for this project is Walton County, Florida, located at 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass

through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Walton County, Florida

Address of Requesting Entity: 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435

Description of Request: $237,500—Highway 331 Bridge Replacement in Walton County, Florida. I requested funding in the FHWA Transportation, Community and System Preservation (TCSP) Program account FY09. Funding would be used for design and construction purposes in order to expand U.S. 331 to four lanes. The widening would allow an evacuation route for residents and visitors of south Walton to evacuate in a timely manor in case of hurricanes or other natural disasters. Currently, U.S. 331 is the sole evacuation route out of south Walton with a 30 hour evacuation time. It would also allow a safer transportation corridor for workers from north Walton who support the tourism industry in south Walton. Upon completion, this project will link Alabama to the Gulf of Mexico and U.S. Highway 98 in Florida. The total coast of the project is $69,408,000. The Florida DOT has funded the segment from the Choctawhatchee Bay Bridge to State Road 20 at $41,791,000 for right-of-way acquisition. I requested funding for Highway 331 widening in Walton County, Florida in fiscal year 2009. The entity to receive funding for this project is Walton County, Florida, located at 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435. The funding would be used for design and construction purpose to expand US 331 to four lanes. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Army Corps of Engineers General Investigations Account.

Legal Name of Requesting Entity: Okaloosa County, Florida

Address of Requesting Entity: 302 N. Wilson St., Suite 302, Crestview, FL 32536

Description of Request: $96,000—Shoreline Protection Project, Okaloosa County, Florida. I requested these funds to allow the Army Corps of Engineers to conduct a Reconnaissance Study of the Okaloosa County shoreline. The Florida Department of Environment Protection's Critically Eroded Beaches in Florida report identifies 6.5 miles of county beaches and .8 miles of inlet shoreline as ''critically eroded.'' The House Transportation and Infrastructure Committee authorized the project in June 2006 (Docket 2758). I requested funds from the Army Corps of Engineers General Investigations account.

The entity to receive funding for this project is Okaloosa County, Florida located at 302 N. Wilson St, Suite 302, Crestview, FL 32536. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice Law Enforcement Technology

Legal Name of Requesting Entity: Okaloosa County

Address of Requesting Entity: 1804 Lewis Turner Blvd., Ft. Walton Beach, FL 32547

Description of Request: $500,000—Okaloosa County Public Safety Communications Interoperability Project. I requested these funds to be used to purchase new radio equipment and join the established Florida Statewide Law Enforcement Radio System, which is a multi-jurisdictional, multi-interoperable system. The county's current public safety systems are working on outdated technologies and must be replaced in order to be updated to FCC mandates and emergency responder needs. Decreased radio communication coverage maps have also placed emergency responders and property owners at risk. I requested funding for this project in the Department of Justice Law Enforcement Technology account.

The entity to receive this funding is Okaloosa County, located at 1804 Lewis Turner Blvd., Ft. Walton Beach, FL 32547. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Small Business Administration Office of Disaster Assistance

Legal Name of Requesting Entity: University of West Florida

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida 32504

Description of Request: $100,000—Florida Business Continuity and Risk Management Center, University of West Florida, Pensacola, Florida. I requested funding to provide enhanced statewide services of the Business Continuity and Risk Management Center (BCRMC) program that operates through the existing Florida network of 35 Small Business Development Centers associated with seven universities. Funds provide for permanent staffing to assist the BCRMC to respond to a reliance on contracts with out-of-state companies/subcontractors, keeping dollars and jobs in Florida. This project is of great assistance to a large number of business owners who need technical assistance with business planning, loan application assistance, continuity planning, and assistance in identifying potential insurance risks and assessments in the wake and aftermath of natural disasters. In FY2008 they received $500,000. I requested funds from the Small Business Administration, Office of Disaster Assistance account.

The entity to receive funding for this project is the University of West Florida, located at 11000 University Parkway, Pensacola, Florida 32504. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Elementary & Secondary Education (includes Funds for the Improvement of Education aka FIE)

Legal Name of Requesting Entity: The National Flight Academy

Address of Requesting Entity: 1750 Radford Blvd. Suite C, NAS Pensacola, FL 32508

Description of Request: $190,000—Distance Learning program for science, technology, engineering and mathematics curriculum. I requested these funds from the Department of Education FIE account for a distance learning program at the National Flight Academy. This program would implement a Distance Learning Program to teach 7th through 12th grade students the relevance of math and science in their daily lives through aviation. It will spur their interest in avionics and help produce a pipeline of qualified STEM students. The National Flight Academy centers on a week-long in-residence school program. The Academy has the potential to reach up to 100 million students and their parents, as well as more than two million math and science teachers in the nation through this program. To date, Florida has provided $1 million in funding. Last year the Academy received $145,000 in federal funds.

The entity to receive funding for this project is The National Flight Academy, located at 1750 Radford Blvd. Suite C, NAS Pensacola, FL 32508. The funding would be used to provide the wiring and hardware components necessary to provide a distance learning capability throughout the National Flight Academy complex. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Labor, Employment and Training Administration (ETA)—Training and Employment Services (TES)

Legal Name of Requesting Entity: The University of West Florida

Address of Requesting Entity: 11000 University Parkway Pensacola, FL 32514

Description of Request: $333,000—Veterans' training and Employment program. I requested these funds from the Department of Labor ETA and TES account for veterans' training and Employment programs. This program assists veterans with necessary job training and employment skill building.

The entity to receive funding for this project is The University of West Florida, located at 11000 University Parkway Pensacola, FL 32514. The funding would be used to provide training and employment counseling to veterans. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BLUNT. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 1105—Omnibus Appropriations Act, 2009.

Account: Natural Resources Conservation Service—Watershed/flood prevention operations

Legal Name of Requesting Entity: Southwest Missouri Resource Conservation and Development, Inc., at Natural Resources Conservation Service.

Address of Requesting Entity: 601 Business Loop 70 West Columbia, Missouri 65203

Description of Request: $287,000 is provided for the Upper White River Basin to provide additional conservation technical assistance to support the South Missouri Water Quality Project staff for a water quality program in southern Missouri. Technical assistance includes forestry conservation, urban nutrient management and storm water planning, farm nutrient planning for confined animal feeding operations, cartography map products, watershed planning and assessment, and water quality information and education activities. The use of taxpayer funds is justified because this watershed has experienced tremendous population growth in the last decade that has resulted in an increase in nonpoint source pollution pressure. The funding provides

Account: DOJ—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Greene County, MO

Address of Requesting Entity: 933 N. Robberson Springfield, MO 65802

Description of Request: $800,000 is included for the Greene County Emergency Operations Center. It is my understanding this funding is to be used for the necessary equipment of the emergency operations center. The equipment will include computers, software, televisions, video conference equipment and other specialized equipment for the facility. The use of taxpayer funds is justified as this equipment is necessary for the operation of the EOC. The total equipment required is for interoperability of all agencies in the event of a disaster.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Springfield, MO

Address of Requesting Entity: 840 N. Boonville, Springfield, MO

Description of Request: $700,000 will be used to help fund replacement of the existing Police Department records management system and automated field reporting software, hardware and servers. The use of taxpayer funds is justified because the funding will enable continuous operations and eliminate periods when records are not accessible and field reports created by mobile data units are disrupted. The technology will enable the sharing of law enforcement information with other agencies.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Taney County, MO

Address of Requesting Entity: 127 Main St., Forsyth, MO, 65653

Description of Request: $400,000 will help Taney County, MO to purchase and implement a county wide, multi-jurisdiction public safety mobile data network as well as a criminal justice information sharing system. The use of taxpayer funds is justified because this project will greatly enhance overall investigations and increase officer safety by enabling them instant access to critical time sensitive information on the street, when they need it most.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Webb City, MO

Address of Requesting Entity: 200 S. Main St, Webb City, MO 64870

Description of Request: $150,000 will help to fund provide law enforcement technology for Webb City, Missouri. Webb City needs to purchase portable radios and mobile vehicle radios of 800 MHz. The use of taxpayer funds is justified because the current radios utilize a 150 MHz frequency that has gaps throughout the city and is very limited outside of the city limits. This prevents a seamless channel of communication in times of disaster.

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Springfield, MO

Address of Requesting Entity: 840 N. Boonville, Springfield, MO

Description of Request: $478,000 will be used to help complete the feasibility study and begin pre-construction engineering and design of Jordan Creek. The use of taxpayer funds is justified because the Army Corps of Engineers study looks at a range of alternatives to the water resource needs in the area including non-structural flood damage measures, development of environmental and floodplain buffer zones along the river, and creation of floodplain overflow wetlands.

Account: Department of Energy—EERE—Solar Energy

Legal Name of Requesting Entity: Crowder College

Address of Requesting Entity: 601 Laclede Avenue, Neosho, MO 64850

Description of Request: $951,500 will be used to fund programs and services at the Missouri Alternative Renewable Energy Technology Center. The use of taxpayer funds is justified because the funding will be used in part to fund the new center which will be for delivery of new business and incubator services and education and training programs in constructions technologies and renewable energy. The facility will serve as a living laboratory, modeling the best practices known for solar and thermodynamics energy systems and striving for zero energy consumption and serve as a regional center for renewable energy.

Account: Department of Energy—EERE—Other

Legal Name of Requesting Entity: Greene County, MO

Address of Requesting Entity: 933 N. Robberson, Springfield, MO 65802

Description of Request: $475,750 will be used to help fund a portion of the renovations of the Greene County courthouse. Greene County would like to add a green roof to the courthouse. The use of taxpayer funds is justified because the roof would serve as an environmentally friendly way to insulate the building and control storm water. This project is to assist Greene County in our effort to truly be green citizens. The energy efficiency of the project and the storm water control of the project are the largest benefits to Greene County.

Account: Army Corps of Engineers—O&M

Legal Name of Requesting Entity: Army Corps of Engineers—Little Rock

Address of Requesting Entity: 700 W Capitol Ave # 7340, Little Rock, AR 72201

Description of Request: $6,667,000 will be used by the Corps of Engineers for operational and maintenance items at Table Rock Lake including rehabilitation of head gates and rehabilitation of powerhouse station service units. This request was made by the Administration and is the entire operations and maintenance budget for Table Rock Lake. The use of taxpayer funds is justified because Table Rock Lake provides vital flood control on the White River and is a significant source of peak hydropower.

Account: Department of Interior—EPA—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: McDonald County, Missouri

Address of Requesting Entity: P.O. 345 Pineville, MO 64856

Description of Request: $500,000 will be used by Public Water Supply District (PWSD) #1 for the second phase of a wastewater expansion project to augment recently constructed infrastructure financed from PWSD funds. The proposed project will supply the Village of Jane with needed sewer service. The Village of Jane is a small but rapidly growing community in south-central McDonald County on the bank of Little Sugar Creek, a 303d impaired waterway. In addition to the benefits of improved water quality within the Little Sugar Creek watershed and encouraging additional commercial and residential development in the area, the proposed project will also provide needed wastewater service to properties recently purchased by the McDonald County R–1 School District and Crowder College to house a second high school campus and a community college campus respectively.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Ozark Tri-County Health Care Consortium

Address of Requesting Entity: 4301 Doniphan Drive, Neosho, MO 64850

Description of Request: $476,000 would be used to construct a new Federally Qualified Health Center in Cassville, Missouri. The use of taxpayer funds is justified because the Health Center will increase medical capacity and add full dental services to serve all of Barry County by moving from the current leased facility that provides only medical servics.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Missouri Southern State University

Address of Requesting Entity: 3950 E. Newman Road, Joplin, MO, 64801

Description of Request: $381,000 would be used for patient simulation equipment for education and training of all nursing and allied healthcare students. These simulators will allow students to become proficient in assessing patients, making decisions and implementing care in a real-life setting all without jeopardizing the health and safety of real patients. The use of taxpayer funds is justified because patient safety and outcome are critically dependent on the competence of healthcare personnel.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: $143,000 would be used for the Missouri Innovation Academy, an on-campus summer program for high school sophomores and juniors from low-income backgrounds. Students will live on the Missouri State University campus during the duration of the Academy. The use of taxpayer funds is justified because innovation will be the key to economic growth in the future and will involve the creation and application of technology to treat serious illness, address energy needs and other environmental challenges, increase national security, and introduce other inventions to improve the quality of life and stay competitive at the global level.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: City of Springfield

Address of Requesting Entity: 840 N. Boonville, Springfield, MO 65802

Description of Request: $571,000 would be used for Ready to Learn, which is a partnership with the highly utilized Springfield/Greene County WIC (Women, Infants, and Children) Clinic, Shady Dell Public Preschool and a collaboration of service providers. The use of taxpayer funds is justified because this program creates pre-kindergarten academic, reading readiness and social and emotional skill development to the client population 0 to under 7 years (Missouri preschool age) and their families.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Joplin Public Schools

Address of Requesting Entity: PO Box 128, Joplin, MO 64802

Description of Request: $143,000 would be used for Enhancing Joplin's Opportunities by Preparing and Leading Instructional Networking, or eJOPLIN, which seeks to transform classrooms for all learners through high quality teaching powered by technology. The use of taxpayer funds is justified because the funding would be used to provide elementary school students the opportunity to be in either an eMINTS classroom or an eJOPLIN classroom. These classrooms will include one computer for every four students, an LCD projector, a laptop computer for the teacher, a Smart Board, educational software and a networked printer.

Account: Museums & Libraries

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: $143,000 would be used for the Digital Archives Initiative: Phase II, which will continue Missouri State University's efforts to develop high quality, accessible digital collections. The use of taxpayer funds is justified because people in Southwest Missouri will have access to larger collections with additional important links to Ozarks related people, places, and events. To date, grant funds have enabled the department to establish and implement a digital imaging program that focuses on important regional collections.

Account: Federal Highway Administration—(TCSP) Transportation & Community & System Preservation

Legal Name of Requesting Entity: Ozarks Transportation Organization

Address of Requesting Entity: 117 Park Central Square, Springfield, MO 65801

Description of Request: $237,500 will be used for construction of Interchange Improvements at 60/65 including flyover ramps and a grade separated railroad crossing. Use of taxpayer funds is justified as this is the one of the most important interchanges in the region. There is a history of severe accidents and high traffic volumes. The current interchange configuration was not intended for the traffic volumes that are present.

Account: Federal Highway Administration—Interstate Maintenance

Legal Name of Requesting Entity: City of Joplin, Missouri

Address of Requesting Entity: 602 S. Main St. Joplin, MO 64801

Deception of Request: $152,000 will be used to study the most effective way to provide improved access to I–44. The use of taxpayer funds is justified because this project will provide access to I–44 for the commercial district. The commercial district would become enhanced and further developed, which would increase jobs and reduce vacancies and blight. The study for purpose and need as well as feasibility and location will provide the first step toward constructing this project.

Account: Federal Highway Administration—(TCSP) Transportation Community & System Preservation

Legal Name of Requesting Entity: Taney County, Missouri

Address of Requesting Entity: 127 Main Street, Forsyth, MO 65653

Description of Request: $427,000 will fund rehabilitation of the Route 76 bridge over Lake Taneycomo and a roundabout at the Route 76/Business Route 65 Interchange in Hollister. The use of taxpayer funds is justified as this project will address congestion relief, safety and infrastructure maintenance.

Account: Federal Highway Administration—(TCSP) Transportation & Community System Preservation

Legal Name of Requesting Entity: Ozarks Transportation Organization

Address of Requesting Entity: 117 Park Central Square, Springfield, MO 65801

Description of Request: $1,187,500 will be used to fund safety and capacity improvements to the Route 60 Bridge over the James River in Greene County Missouri. Changing geological conditions have resulted in increased unforeseen costs for the project. Use of taxpayer funds is justified as this project is a project of regional significance on the statewide system. The bridge is being replaced in conjunction with the US60/US65 interchange improvement project, which is the number one priority within the Springfield region for both the OTO and MoDOT. This project already appears in the STIP and is ready to begin in early 2009.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This $280,000 request is for a Crime Lab Scanning Electron Microscope with Energy Dispersive Spectroscopy (EDS) detector and X-Ray Fluorescence capabilities. The EDS detector can identify the major elemental composition of most materials examined as evidence in crimes. It is currently the only tool in the laboratory for such examinations. The addition of X-Ray Fluorescence capabilities increases the analysis sensitivity 10 to 100 times. This will support the Ventura County Sheriff's Regional Crime Lab, the only laboratory in Ventura County doing DNA profiling and analysis.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Methamphetamine Enforcement

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $350,000 is for the purpose of providing funds for two California Multi-jurisdictional Methamphetamine investigators. The Ventura County Combined Agency Task Force (VCAT) is a collaborative effort with city, county, state and federal law enforcement agencies working toward the disruption, dismantlement, apprehension, and arrest of narcotic offenders and

drug trafficking organizations. Funding would be used for two Senior Deputy investigators that will be utilized to specifically target mid to large-scale methamphetamine dealers and manufacturers and will assist in funding vehicle costs and miscellaneous safety equipment for these two positions. These investigators will be assigned to the Special Services Division, Special Investigations Unit.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Lompoc

Address of Requesting Entity: 100 Civic Center Plaza, Lompoc, CA 93438

Description of Request: This request of $825,000 is for the City of Lompoc's Gang Activity Surveillance Program (GASP), which aims to target early involvement in gang-related activities by Lompoc youth. The Lompoc Police Department does not have the necessary equipment and manpower to tackle this problem alone. GASP will require the purchase of a surveillance vehicle and surveillance cameras with wireless capability that can be interfaced with the City of Lompoc's existing infrastructure to monitor areas prone to gang activity.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity:

Calleguas Municipal Water District

Address of Requesting Entity: 2100 Olson Road, Thousand Oaks, CA 91360

Description of Request: The Calleguas Municipal Water District Recycling Plant will provide critical support to the mission of providing safe and reliable drinking water to the 600,000 people living in the District's service area. Each year, the District imports over 110,000 acre-feet of water through the California Water Project, and imports constitute 100 percent of Calleguas' supply. The $2 million requested through the Bureau of Reclamation would provide the 25 percent Federal share to continue construction of a facility that will reclaim and reuse over 50,000 acre-feet of water annually. This recycled resource will replace water that otherwise would have to be imported, with the added benefit of water supply in case of delivery interruptions due to natural disasters or attacks on the imported water infrastructure. The funding for this project, authorized by P.L. 104–266, section 1616, will be used for development of a pipeline system that would collect and convey brackish groundwater and recycled water for direct use, stretching local water supplies. The project will facilitate the development of up to 50,000 acre feet of water, per year, for municipal and agricultural uses thereby reducing the need to import water to the region from Northern California.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: Matilija Dam is the largest dam in the country targeted for removal. The project, authorized in P.L. 110–114, section 1001(10), will restore the ecosystem of the Ventura River, remove an obstacle preventing the endangered steelhead trout from migrating upstream to spawn and restore the natural flow of sand and sediment from the mountains to the beaches. The $15 million requested will enable the U.S. Army Corps of Engineers to complete the project engineering, design and construction work required to move the Matilija Dam Ecosystem Restoration Project towards the next stage of completion. Federal interest in this project and project cost-benefit ratios are documented in the conclusion section of the joint federal-local Matilija Dam Ecosystem Restoration Project Feasibility Study, completed in 2004 with an estimated total project cost of $130 million. Project costs will be shared 65/35 between the U.S. Army Corps of Engineers and the Ventura County Watershed Protection District.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: During flooding in 2005, large volumes of alluvium eroded from the banks of Santa Paula Creek and were transported downstream and deposited in the U.S. Army Corps of Engineers (USACE) fish ladder, damaging the facility and further impairing fish passage. This $4 million funding request would be used by the USACE to fulfill their responsibility to clear the debris and make repairs to the fish ladder and other facilities in the affected area.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Investigations

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: Encompassing more than 1,600 square miles, the Santa Clara River watershed is the largest in Southern California and is divided into two almost equal parts by the Los Angeles-Ventura County line. Since 1991, a group of more than twenty-six stakeholders has been developing the Santa Clara River Enhancement and Management Plan (SCREMP) for the 100-year floodplain. Recognizing the continued pressure of urbanization in both Los Angeles and Ventura Counties that may affect the floodplain and environmental resources in the Santa Clara River Watershed, the Ventura County Watershed Protection District, Los Angeles County, and the U.S. Army Corps of Engineers (USACE) agreed to cooperate in expanding the SCREMP to complete a feasibility study for the Santa Clara River Watershed Protection Plan. This request of $2 million would represent the USACE's 50% share.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Santa Maria

Address of Requesting Entity: 110 E. Cook Street, Santa Maria, CA 93454

Description of Request: In order to protect the City of Santa Maria and the fertile Santa Maria River basin, the U.S. Army Corps of Engineers (USACE) built the 26-mile Santa Maria River levee between 1959 and 1963 at a cost of roughly $5.5 million. In 1998 a 600-foot breach occurred west of Santa Maria and flooded agricultural lands. Fortunately, the urban areas were not impacted. The USACE spent just under $1 million at the time to close the breach and built four small groins that attempt to slow the current along that section of the levee. In changing its course, the Santa Maria River now attacks a portion of the levee directly opposite a large residential development. The USACE has stated that they will not provide 100-year flood certification, leaving the citizens of Santa Maria vulnerable. This request of $8.5 million would provide funding to allow the U.S. Army Corps of Engineers to restore and certify the levee thereby saving the residents of Santa Maria from having to purchase expensive flood insurance. Santa Barbara County has estimated that it will cost roughly $26 million to protect northern Santa Barbara County from flood damage.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $230,000 is for the Ventura County Crisis Intervention Team (CIT) Training Program. The CIT is comprised of specially trained law enforcement officers and communications specialists trained to respond to mentally ill persons in crisis. The goal of this program is to safely de-escalate crisis situations involving the mentally ill, reduce the use of incarceration to deal with mentally ill persons, and decrease recidivism by referring these persons to appropriate treatment. In addition to the coordination and teaching of a 40-hours of training, program activities include providing information to the local mental health department about police contacts with mentally ill individuals, carrying out quarterly mental health update trainings at Sheriff stations and police departments in Ventura County, conducting 8-hour mini-mental health trainings, and educating various community organizations about the CIT program and training.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Higher Education (includes FIPSE)

Legal Name of Requesting Entity: California State University, Channel Islands

Address of Requesting Entity: One University Drive, Camarillo, CA 93012

Description of Request: The $500,000 request is for the continued development of the Regional Clinical Simulation Technology Laboratory at California State University, Channel Islands (CSUCI), currently the only four-year public institution of higher education in Ventura County. CSUCI is preparing to offer a much-needed registered nurse licensure program and a bachelor of science in nursing degree program. In order to address the need for more nurses, CSUCI will need a patient simulation laboratory as a way for students to participate in a wide variety of patient scenarios

and receive critique in a safe environment where repetition and reinforcement do not jeopardize patient safety. The initiative has support throughout the region, where this will be a one-of-a-kind facility.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Thousand Oaks

Address of Requesting Entity: 2100 Thousand Oaks Blvd., Thousand Oaks, CA 91362

Description of Request: This request of $5 million is for the widening of the US–101 and SR–23 Interchange from the Los Angeles/Ventura County line to Moorpark Road (US–101) and Hillcrest Drive (SR–23). The proposed improvements include the extension of existing auxiliary lanes in both directions, conversion of auxiliary lanes to mixed-flow lanes, addition of a northbound lane, realignment and widening of ramps at the interchange, and the construction of soundwalls and retaining walls. The improvements are necessary to relieve congestion along the 101 and 23 Freeways in the City of Thousand Oaks. CalTrans recently began the three-year project to widen the Route 23 Freeway connecting to the 101/23 Interchange. Completion of the improvements is crucial to achieve the congestion benefits of the project. The Ventura County Transportation Commission considers both improvements as integral parts of a single congestion relief project. Since the widening of the freeway is now underway, the interchange improvement needs to move forward without delay.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: County of Santa Barbara

Address of Requesting Entity: 105 East Anapamu Street, Santa Barbara, CA 93101

Description of Request: The Lompoc Veterans Memorial Building is owned by the County of Santa Barbara and serves as a community resource for the area's veterans, non-profit groups and other residents. Constructed in 1936, the building is home to several veterans groups. It is comprised of multiple offices, a large commercial kitchen, and two large halls that are able to accommodate hundreds of people. This request of $865,000 is for a number of upgrades that would help bring the building up to code. They include improvements to make the building more accessible for people with disabilities, enhance safety features such as installation of fire rated doors and a fire alarm and sprinkler system, heating and plumbing improvements, asbestos and lead paint abatement, and the replacement of electric circuitry and the re-wiring of the building.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: City of Santa Paula

Address of Requesting Entity: 970 Ventura Street, Santa Paula, CA 93060

Description of Request: This request for $1.5 million is for the City of Santa Paula to assist with its plan to repair and expand public athletic facilities and gathering areas at Teague Park. The park, initially constructed in 1976, has served as the primary recreation area for the City of Santa Paula. Teague Park is the primary recreation and gathering site for the majority of Santa Paula residents. Santa Paula's rapid population growth has resulted in a significant strain on the park's resources and facilities. This heavy use has left the park dilapidated and unsafe. The improvements will provide safer sports facilities, along with safer, more accessible park amenities for non-sport uses.

RECOGNIZING THE SIGNIFICANCE OF MERCED ASSEMBLY CENTER

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 2009

Ms. MATSUI. Mr. Speaker, on February 19th, this nation will recognize the 67th Anniversary of the ''Day of Remembrance.'' This was the day in 1942 that President Roosevelt signed Executive Order 9066, which led to the internment of over 120,000 Americans of Japanese ancestry.

The President's decision to intern Americans was an avoidable consequence of racial prejudice and wartime hysteria. The government at all levels was blinded by war, and made decisions that were contrary to our Constitution. The failure of each branch of government to uphold the rights of individuals must be taught so that future generations resist succumbing to the politics of fear.

Because of one of the darkest periods of our Nation's history, we learned of the damage that can be done when we let the politics of fear cloud our judgment. Congress has not only recognized a Day of Remembrance, but it also supports and funds assembly center and internment site preservation as a physical reminder of past inequality.

Today, we recognize the historical significance of the Merced Assembly Center, located in Merced, California, where 4,669 Japanese-Americans were detained prior to being transferred to internment sites. My dear friend and colleague, Congressman MIKE HONDA, was held at the Merced Assembly Center prior to being interned.

It is important to preserve these sites to ensure that future generations can learn from past events in order to prevent anything like this from ever occurring again. The unveiling of the Merced Assembly Center on February 21, will allow the site to serve as a place for remembering the hardships endured by Japanese-Americans.

As we look back on a time in our Nation's history, and how our country has responded since, we should have hope for the future. Around the world, human rights violations continue unabated. Yet, we can combat this by working with a single purpose towards a future wherein every person, regardless of race, gender, nationality or creed enjoys equal treatment in this world.

And today, 67 years after the signing of Executive Order 9066, we must renew our commitment to bringing these rights to all people.

Though the internment remains one of the darkest periods in our Nation's history, preservations like the Merced Assembly Center help to remind us of the distinctly American power of redemption. Our collective commitment to fairness and justice is the only way to prevent such a blatant form of injustice from ever becoming a reality again.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 2009

Mrs. MALONEY. Mr. Speaker, I am pleased to support the Stop Child Abuse in Residential Programs for Teens Act, which would require standards and enforcement provisions to prevent child abuse and neglect in residential programs for teens with behavioral, emotional, mental health, or substance abuse problems.

When families struggle with a troubled teen, many eventually look to private or public residential programs for help. Parents deserve to know that their child will be safe and in good hands. However, in some states residential facilities are subject to state law or regulation, but in other states they are not. Because of the resulting loose patchwork of state oversight and lack of accountability, at some programs, young people have been subject to abuse and neglect. In a small number of cases, this abuse and neglect has led to the death of a child.

The Stop Child Abuse in Residential Programs for Teens Act sets new national standards to prohibit abuse and neglect and increases transparency to help parents make safer choices for their children. The bill also holds teen residential programs accountable for violating the law and asks states to step in to protect teens in these programs.

We have an obligation to keep teens safe, especially when they and their families are battling behavioral, emotional, mental health, or substance abuse problems. I hope that this legislation will support families in their pursuit of the health and well-being of their children.

TRIBUTE TO JACK POLLOCK

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to remember a fellow Nebraskan who made our state proud in so many ways. Jack Pollock, from the town of Ogallala, Nebraska, was long a fixture in the Nebraska newspaper industry and an inductee to the Nebraska Journalism Hall of Fame.

Unfortunately, Jack passed away earlier this week. My heart goes out to his wife, Beverly, and his family.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union.

During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

This year, Jack was selected to receive the WagonMaster Award, which recognizes citizens for their leadership in causes which benefit our state or nation, and who have set a tremendous example to others. This was an honor which was richly deserved, and I can think of no one better.

Jack's dedication to his craft, his profession, and his community truly sets the bar high for the rest of us. He will be missed, but he will continue to set an example for others to follow.

NATIONAL PEACE CORPS WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Virginia. Madam Speaker, I would like to take a minute to recognize an enduring legacy of John F. Kennedy—the Peace Corps—in recognition of its 48th anniversary this year and to commend 48 constituents from Northern Virginia currently serving in 35 countries around the world. It is an honor to represent these young people, as well as to serve with colleagues in both the House and Senate who have served our country in the enhancement of citizen diplomacy. I hope all Americans will join us in supporting and expanding this enduring commitment to convey our values as a nation.

A year ago, Fareed Zakaria wrote that after last November's election, ''America will have to move on and restore its place in the world. To do this we must first tackle the consequences of our foreign policy of fear. Having spooked ourselves into believing that we have no option but to act fast, alone, unilaterally and preemptively, we have managed in six years to destroy decades of international good will, alienate allies, embolden enemies and yet solve few of the major international problems we face.''

The London Financial Times last year reported that the U.S. has suffered a significant loss of power and prestige around the world in the years since the beginning of this century, limiting our ability to influence international crises, according to an annual survey from a well regarded British security think-tank. The 2007 Strategic Survey of the non-partisan International Institute for Strategic Studies picked the decline of U.S. authority as one of the most important security developments of the past year—but suggested the fading of American prestige began earlier, largely due to our failings in Iraq.

One of our most special and effective citizen agencies of public diplomacy is the Peace Corps. Think of this—more than 195,000 volunteers have served this venerable legacy of former President Kennedy, serving in 139 countries—where they bring our values to other peoples, and bring understanding and appreciation of other cultures back home.

The greatest gift of the Peace Corps and other civilian programs is not just that ordinary Americans share their values and our culture with other peoples, but also that when volunteers return, they bring greater understanding and appreciation of other cultures.

Foreign policy is not just what we do, but also who we are. America as a place has often been the great antidote to U.S. foreign policy—and it should be again. Again, as Mr. Zakaria wrote: ''When American actions across the world have seemed harsh, misguided or unfair, America itself has always been open, welcoming and tolerant . . .''

At the end of the day, our openness is our greatest foreign policy. We have succeeded not because of the ingenuity of our government, but rather because of efforts like this unique program to keep ourselves open to the world—to sending our people out across the countries of the world to share our unique culture, our goods and services, our ideas and inventions, our people and cultures. This openness, this civilian diplomacy, has allowed us to make friends across boundaries. It will be central to our place as a nation in the future.

This week, as we celebrate National Peace Corps Week, we honor volunteers old and young who have served in developing countries since President Kennedy's call to service in 1961 in places as diverse as China, Mali, Azerbaijan, Macedonia, El Salvador, and Namibia. This can be lonely and demanding service, but service that can create enduring friendships and values that transcend boundaries and cultures.

Today, more than 8,000 Peace Corps volunteers around the world are currently providing training and education in 76 countries. These volunteers each donate their time and skills for over two years, in order to make a difference in the world and to promote understanding between cultures. By offering their valuable skills and showing a passion for helping others, they show the world that Americans value learning and cross-cultural exchange.

Volunteers work in areas of education, health and HIV/AIDS, business development, environment, agriculture and youth, and must often be creative and flexible when living and working in new cultures and learning new languages. The resulting experience is rewarding for all involved, and it highlights the importance of cooperation and involvement between cultures around the globe.

When volunteers return home and share their overseas experiences with their communities, the Peace Corps helps Americans as much as the people in developing countries. From recent college graduates to doctors with decades of experience, volunteers choose to use their valuable skills and education to help people all over the world, but their work affects their lives and our place in the hearts of friends around the globe long after returning home.

This week we remember the dedication and passion of Peace Corps volunteers, young and old, current and returned. We thank them for their service, and encourage more Americans to volunteer with the Peace Corps.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TIM MURPHY of Pensylvania. Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Greensburg Police Department

Address of Requesting Entity: 416 South Main Street, Greensburg, Pennsylvania, 15601

Description of Request: Appropriation in the amount of $435,000 for the City of Greensburg Police Department Emergency Communications Interoperability System and Upgrades will allow for the purchase and installation of a dual 800 MHZ Interoperable Radio System for the police department. This system will permit an upgrade of the Department's communications system and provide interoperability communications with other departments and first responders within Westmoreland County. The City of Greensburg Police Department provides dispatching service to the City of Greensburg, Southwest Greensburg, South Greensburg and Seton Hill University; therefore, this communications system is essential to allowing uninterrupted communications with all Westmoreland County Police and Fire Departments.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Heidelberg Police Department

Address of Requesting Entity: 1631 East Railroad Street, Carnegie, Pennsylvania, 15106

Description of Request: Appropriation in the amount of $10,000 for Technology Upgrades and Navigational Systems. Heidelberg Borough Police Department Technology Upgrades are necessary for the purchase of shared technology, police mobile data terminals and navigational systems. These technology upgrades will allow for faster and safer response during police stops and investigation detentions. These upgrades will assist with officer safety and information sharing and bring the Department into the 21st century.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Washington County District Attorney

Address of Requesting Entity: Washington County Courthouse, Washington, Pennsylvania, 15301

Description of Request: Appropriation in the amount of $220,000 for the Washington County District Attorney's Drug Task Force Equipment and Technology Improvement Initiative. The Drug Task Force Equipment and Technology Improvement Initiative aims to benefit the Washington County District Attorney's Drug Task Force (WCDA–DTF) in their combined goal to fight the drug problems in the area. The WCDA–DTF is comprised of 45 officers, a majority of whom work for the 14 municipal police departments in the 18th Congressional District. Funding will provide the

Drug Task Force and officers with the tools to fight, neutralize, and defeat the scourge of drugs in Washington County. The equipment will help the Drug Task Force and the District Attorney's office communicate, build cases, conduct undercover surveillance, coordinate activity, observe criminal activity, and prosecute drug crime.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP, Juvenile Justice Account

Legal Name of Requesting Entity: West Jefferson Hills School District

Address of Requesting Entity: 835 Old Clairton Road, Jefferson Hills, Pennsylvania, 15025

Description of Request: Appropriation in the amount of $500,000 for the Alternative Education Program. Funding will be used for the establishment of a District Alternative Education program that will provide quality services for students who have been identified as students ''at risk'' and have not been able to comply with the established rules and regulations of the traditional classroom/school. Students who attend this program will be afforded the opportunity to have access to a quality education designed to meet individual needs.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Construction Account

Legal Name of Requesting Entity: Locks and Dams 2, 3 and 4, Monongahela River, PA

Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal Bldg. 100 Liberty Avenue, Room 1828, Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of $15,900,000 for the Lower Monongahela River Project is located in Southwestern Pennsylvania and was authorized for construction by the Water Resources Development Act (WRDA) of 1992. This project addresses the deteriorated condition of the navigation facilities along the Lower Monongahela River. The project is to build a new dam at 2 (Braddock), new locks at 4 (Charleroi) and then to remove the Locks and Dam at 3 (Elizabeth), creating a single 30 mile pool. The dam at 2 is now complete but the old dam 3 cannot be removed until the locks are completed at 4. Specific concerns were the very real risks of navigation system failure related to the poor structural condition of Locks & Dam 3, and the fact that industry must continue to rely on a single chamber at Locks 4 on the Monongahela River. Ground was broken in 1994 and the project was to be completed in 2004 or in 10 years. However, the slow pace of funding forced inefficient decisions, which now mean the best schedule for total project completion, now 2016, provided that the project continues to receive optimal funding. The funding delays created greater than normal maintenance problems. The condition and sustained operability of Locks and Dam 3, and Locks 4 is a significant and growing concern. The 100–year-old Locks and Dam 3 are among the oldest structures operating on the inland navigation system, and the most structurally deficient navigation facility on the Monongahela River. The larger locks will afford industry a 27% savings in economy scale. The challenge is to put the Lower Monongahela River Project on an efficient funding schedule.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Investigations Account

Legal Name of Requesting Entity: Upper Ohio Navigation Study

Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal Bldg. 100 Liberty Avenue, Room 1828 Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of $4,015,000 for the Upper Ohio River, defined as Emsworth, Dashields, and Montgomery (EDM) Locks and Dams, is a multi-year feasibility investigation to determine the best navigation improvement project. EDM are the three oldest locks on the Ohio River navigation system. Two major problems associated with the locks are: 1) their structural condition; and 2) the lock chamber sizes are too small to efficiently accommodate modern tow configurations.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Section 206 Account

Legal Name of Requesting Entity: Canonsburg Lake Ecosystem Restoration

Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal Bldg. 100 Liberty Avenue, Room 1828 Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of $0 for the Canonsburg Lake Aquatic Restoration. This project will implement a Corps of Engineers Section 206 Aquatic Restoration Feasibility Study. Restoring the aquatic ecosystem of the lake that has been severely degraded by sediment deposition. Dredging the sediment from the lake is proposed to enhance the ecosystem for fish species and other aquatic life, restore adequate water levels and create additional wetlands on site.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Interior, EPA, STAG Water & Wastewater Infrastructure Project

Legal Name of Requesting Entity: Borough of Dormont

Address of Requesting Entity: 1444 Hillsdale Avenue, Pittsburgh, Pennsylvania, 15216

Description of Request: Appropriation in the amount of $138,000 for the Mattern Avenue Storm Sewer Project. The Mattern Avenue storm sewers in Dormont borough are flawed in their design and need to be replaced. Runoff from a nearby hill is not being carried into the sewer and the runoff water is lying in the basin. The original storm sewer design was flawed. During the winter months, a sheet of ice between six to twelve inches thick develops over the storm sewers and along Mattern Avenue, a high mileage road. This creates a major safety concern. In order to remedy this problem, the existing storm sewers will need to be replaced along Mattern Avenue and two additional storm sewers will need to be added at the basin. This will ensure that runoff is being collected and carried into the storm sewers.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Transportation, Community & System Preservation

Legal Name of Requesting Entity: Allegheny County Department of Economic Development

Address of Requesting Entity: Regional Enterprise Tower, Suite 800, 425 Sixth Avenue, Pittsburgh, PA 15219

Description of Request: Appropriation in the amount of $570,000 for the Grove Road Bridge Replacement. Castle Shannon Bridge over Saw Mill Run in Castle Shannon is functionally obsolete and borderline structurally deficient. The bridge is heavily travelled with a large volume of traffic daily which presents a number of safety concerns for motorists. The bridge is also a link in access to a large Port Authority Park and Ride serving the T-line.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Transportation, Community & System Preservation

Legal Name of Requesting Entity: Moon Transportation Authority

Address of Requesting Entity: 1000 Beaver Grade Road, Moon Township, PA 15108

Description of Request: Appropriation in the amount of $95,000 for the Thorn Run Interchange Upgrade. This project will alleviate congestion, improve mobility, and protect motorists by reconfiguring and signalizing the intersections at the Thorn Run Road Interchange. Currently, motorists navigate broad and un-signalized intersections with a higher than average frequency of accidents. The proposed improvements mainly consist of four traffic signals, sidewalks, roadway widening, new concrete shoulders, and a culvert extension.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing & Urban Development, Economic Development Initiative Account

Legal Name of Requesting Entity: Borough of Bridgeville, PA

Address of Requesting Entity: 425 Bower Hill Road, Bridgeville, Pennsylvania, 15017

Description of Request: Appropriation in the amount of $228,000 for the Borough of Bridgeville Streetscape Project along Washington Avenue. Funds will be used to remove and replace raised sidewalk slabs and aged trees along Washington Avenue in Bridgeville Borough. The current sidewalk slabs are raised and causing dangerous conditions for pedestrians. In addition, funds will be used to install tree gates and boxes for overall aesthetic and safety enhancements.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing & Urban Development, Economic Development Initiative Account

Legal Name of Requesting Entity: Washington County Council on Economic Development

Address of Requesting Entity: 40 South Main Street, Lower Level, Washington, PA 15301

Description of Request: Appropriation in the amount of $199,500 for the Starpointe Business Industrial Park, Washington County Council on Economic Development. Funding will be used for redevelopment of a 148–acre coal stripped site at the intersection of Routes 18 and 22. This project is the first phase of a 1,153 development in the Pittsburgh International Airport Market Area. Funding will be used to develop an additional 50 acres of the site and complete the remainder of the project. The total capital investment upon completion of this project will be $69,000,000. In addition this project will add approximately 150 jobs to the development.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Elementary & Secondary Education Account

Legal Name of Requesting Entity: Pittsburgh Symphony Orchestra

Address of Requesting Entity: 600 Penn Avenue, Pittsburgh, Pennsylvania, 15222

Description of Request: Appropriation in the amount of $238,000 for the Pittsburgh Symphony Orchestra for curriculum development. Funding will be used to partially finance the Education & Community Engagement program. Whether engaging infants and toddlers through the Early Childhood Program, performing for thousands of schoolchildren through Schooltime and Tiny Tots concerts at Heinz Hall, raising money for community projects through Community Engagement concerts or participating in other education or community projects, Pittsburgh Symphony Orchestra (PSO) musicians have immersed themselves in the greater Pittsburgh community. Nearly 100,000 schoolchildren, adults and seniors are reached through a broad array of programs. Education programs fill the gaps of music program budget cuts in the schools as musicians join educators and PSO staff to plan, implement and evaluate programs that target the very young through high school-aged students. Programs take place in the schools and at Heinz Hall. Community Engagement programs connect audiences throughout the Pittsburgh region with the PSO using a variety of innovative outlets. Most community Engagement concerts raise money for community causes as 100% of ticket proceeds of these performances stay in the community. In 2005–2006 over $50,000 was raised for community projects in seven different communities.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Administration for Children & Families, Social Services Account

Legal Name of Requesting Entity: AAdvantage Foundation Inc.

Address of Requesting Entity: 201 South Johnson Road, Foxpointe Centre, Suite 200, North Strabane, Pennsylvania, 15342

Description of Request: Appropriation in the amount of $95,000 for The Arc of Washington County, AAdvantage Foundation Inc. The Arc of Washington County would provide a much needed resource for individuals with disabilities in Washington County, Pennsylvania. The creation of The Arc of Washington County will enable AAdvantage, as an agency, to work collaboratively with The Arc of the United States to improve systems of supports and services, to connect families, to inspire communities and to influence public policy. It is also the agency's intent that the programs established will assist in early identification of disabilities, thus decreasing the long-term dependence on national resources. The funding being requested will be used for costs associated with the development of The Arc of Washington County to assist in enhancing the health and well-being of individuals with disabilities.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Health Resources & Services Administration, Health Facilities & Services Account

Legal Name of Requesting Entity: Excela Health Westmoreland Hospital

Address of Requesting Entity: 532 West Pittsburgh Street, Greensburg, Pennsylvania, 15601

Description of Request: Appropriation in the amount of $381,000 for facilities and equipment, Mercy Jeannette Hospital will become a campus of Excela Health Westmoreland Hospital, joining Excela Health's network of care to better serve the Western Pennsylvania community. To reflect the changes, the hospital is to be renamed Excela Health Westmoreland Hospital at Jeannette. To strengthen the quality of care offered in the Jeannette community and provide much needed capital for facility and equipment enhancements, Excela Health will invest approximately $10 million in capital over the next five years. The federal funds asked for are just the first step in a larger project to make the facility serving Jeannette and surrounding communities viable for the future. This phase includes updating the radiology equipment, dietary, outpatient areas in addition to needed infrastructure repairs and upgrades. Excela Health will be doing an on-going evaluation of the kinds of services that best meet the needs of this community including the possible addition of a Federally Qualifies Health Center for this medically underserved area.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Health Resources & Services Administration, Health Facilities & Services Account

Legal Name of Requesting Entity: Western Pennsylvania Hospital, Forbes Regional Campus

Address of Requesting Entity: 2570 Haymaker Road, Monroeville, Pennsylvania, 15146

Description of Request: Appropriation in the amount of $476,000 for the purchase of equipment. Funding will be used to purchase patient lifting devices to be used for patients who require assistance with mobilization. Hospital patients will benefit from this project as efforts to move a patient without adequate assistance can result in patient harm. Hospital staff will benefit from this project as improper lifting can result in staff injuries. In the past three years the hospital has had total estimated losses of $180,000 resulting from lifting and transfer related injuries

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Labor, Employment & Training Administration, Training & Employment Services Account

Legal Name of Requesting Entity: Plumbers Local Union 27 & Steamfitters Local Union 449

Address of Requesting Entity: Plumbers Local Union 27 and the Steamfitters Local Union 449 at 1040 Montour West Industrial Park, Coraopolis, Pennsylvania, 15108 and 1517 Woodruff Street, Pittsburgh, Pennsylvania, 15220

Description of Request: Appropriation in the amount of $190,000 for the Western Pennsylvania Pipe Trades Regional Training Project. The members of the Steamfitters Local Union no. 449 and the Plumbers Local Union No. 27 are professionals that work together to meet difficult schedules and solve unusual mechanical requirements and applications in today's competitive marketplace. Both unions address the need for more skilled workers by providing a comprehensive, extensive training program for those entering the pipe trades industry. The Plumbers Local Union No. 27 Apprenticeship Program focuses on teaching students about codes, drainage and water supply. This program offers training for commercial work on commercial and industrial buildings larger than three stories, including the installation of the water and gas systems in large multipurpose dwellings, such as apartment buildings or major nursing and assisted living homes. Their work in hospitals is particularly important, as they install the systems that distribute oxygen and other essential medical gases to operating, recovery and patient rooms. The Steamfitters Local Union No. 449 Apprenticeship Program focuses on areas such as refrigeration, steam heating and welding. The program offers instruction on the installation and maintenance of the pipes that carry hot water, steam, air or other liquids or gases needed for manufacturing or other industrial purposes. The Steamfitters Local 449 and The Plumbers Local 27 are feeling the pinch for more trained apprentices for the construction, high tech, and manufacturing industries in the Western Pennsylvania area. In addition, there is a shortage of proficient welders now and in the near future. Due to the decline in economy, unemployed pipe trade union workers need to be retrained in order for them to be proficient in the pipe welding and plumbing maintenance to help keep the above mentioned buildings running efficiently. In addition to retraining unemployed union workers, new apprentices need to go through the proper classes and gain the best education in order to master the required skill.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act for Fiscal Year 2009.

Member requesting: Congressman GUS M. BILIRAKIS

Bill number: H.R. 1105

Account: COPS Law Enforcement Technology

Name of requesting entity: Hillsborough Community College

Address of requesting entity: 39 Columbia Drive, Tampa, Florida 33606

Description: The $200,000 will be used to help HCC obtain a state-of-the-art firearms training simulator for its Public Safety Training Center. This funding is justified because the COPS law enforcement technology program is designed to help incorporate new technology in crime-fighting efforts.

Bill number: H.R. 1105

Account: COPS Law Enforcement Technology

Name of requesting entity: City of Plant City

Address of requesting entity: 502 West Reynolds Street, Plant City, Florida 33563

Description: The $300,000 will be used to help the Plant City Police Department obtain a fully-functional mobile incident command post. This funding is justified because the COPS law enforcement technology program is designed to help incorporate new technology in crime-fighting efforts.

Bill number: H.R. 1105

Account: Operations and Maintenance

Name of requesting entity: Tampa Port Authority

Address of requesting entity: 1101 Channelside Drive, Tampa, Florida 33602

Description: The $4,224,000 will be used for needed periodic dredging in the 70 miles of federal channel of Tampa Harbor. This funding is justified because of federal interests in maintaining the safety and navigability of federal waterways.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: BayCare Health System

Address of requesting entity: 16331 Bay Vista Drive, Clearwater, FL 33760

Description: The $523,000 will be used to develop a medication point-of-entry for physicians in support of BayCare's electronic health record initiative. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: University Community Hospital/Pepin Heart Hospital

Address of requesting entity: 3100 East Fletcher Avenue, Tampa, Florida 33613

Description: The $238,000 will be used to obtain a magnetic navigation system to help improve patient care, physician training, and clinical research within its cardiovascular center. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: University of South Florida College of Education

Address of requesting entity: 4202 East Fowler Avenue, Tampa, Florida 33620

Description: The $190,000 will be used to provide continuing education and a database for the public on available cancer clinical trials to improve patient outcomes. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: Economic Development Initiatives

Name of requesting entity: City of Clearwater, Florida

Address of requesting entity: 112 South Osceola Avenue, Clearwater, Florida 33756

Description: The $237,500 will be used for infrastructure improvements to revitalize downtown Clearwater. This funding is justified because HUD economic development funds are specified to help local governments improve public infrastructure and increase economic development.

Bill number: H.R. 1105

Account: Transportation and Community and System Preservation

Name of requesting entity: City of Tarpon Springs, Florida

Address of requesting entity: 324 East Pine Street, Tarpon Springs, Florida 34689

Description: The $380,000 will be used to provide street reconstruction and enhancements along Lemon Street and increase residential and commercial development. This funding is justified because Federal Highway Administration Transportation, Community, and System Preservation program is designed to provide funds to local governments to implement strategies to improve the efficiency of their transportation systems and encourage private sector development.

CARIBBEAN ECONOMIC CRISIS—IMPORTANCE OF THE UNITED STATES SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge the importance of the United States' presence in the Caribbean during these difficult economic times and to enter into the record an editorial from the Carib News by Basil Wilson entitled ''Jamaica and the World Economy.''

As the world deals with the difficult economic challenges, there needs to be a renewed economic commitment to the Caribbean nations, who are also suffering from the spiraling effect of the weakened world economy.

For many years, the United States has cultivated a relationship with the Caribbean that involved a strong history of generous remittances and a prospering reciprocal trade relationship. As a result, both the U.S. and the Caribbean have benefited.

The United States must continue to uphold strong trading ties with the Caribbean islands to make certain their Gross Domestic Product is not greatly compromised. This is also not the time to decrease our level of relief efforts in the Caribbean community. We must understand that an economic decline in the First World results in an economic catastrophe in these Caribbean areas.

As the world tries to gain control of the wavering economic calamity, let us not forget that our neighbors and friends in the Western Hemisphere are also dealing with the adverse effects of the global economy. It is especially during these times when there is a greater reliance on the Caribbean Diaspora's kindness and compassion to sustain the economic viability of their families. The U.S. government needs to be aware of the needs of the governments in the region for assistance in providing a necessary social safety net.

TRIBUTE TO HANS SMITH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Hans Smith of Fresno, California who passed away at the age of 66 years old. Hans is survived by his wife Janet and his sons Chris and Esben along with their families.

Hans was born on February 16, 1942 in Sacramento, California to Frank and Josephine Smith. Hans grew up in Sacramento and attended local schools graduating from Sacramento High School in 1959. He next graduated from Fresno State University with a degree in Industrial Technology. Upon graduating he went to work for IBM in San Jose, California. While at Fresno State he met his future wife, Janet. Following Janet's graduation, they married and made their home in Los Gatos, California. While living in Los Gatos, Hans and Janet had their two sons, Chris and Esben. Wanting to raise their children in a less stressful environment, Hans and Janet moved to Raisin City, California in 1975. Hans became a farmer when he and Janet bought 40 acres of prunes.

Hans worked for his father-in-law, who was also a farmer, while getting his own farm started. Hans' farm was truly a family farm. Hans and his wife and sons could often be found working together in the orchard. Hans joined Sunsweet Growers in 1975. He remained a loyal Sunsweet grower for the next 33 years. Hans planted another 80 acres of prunes in 1980. When the new orchard came into production, Hans was able to stop working for his father-in-law. The farm was still a family affair with Hans and his sons taking care of most of the work.

Hans was elected to the Board of Directors of Sunsweet Growers in 1985. He served on the board for the next 23 years, until his death. Hans was a tireless promoter for the prune industry and Sunsweet in particular. He was always available to any grower who had questions about prunes. He gave help and advice to many growers when they entered into

the prune industry. Beginning in 1998, Hans diversified into the raisin and almond industries. He farmed 180 acres at the time of his death.

It goes without saying that Mr. Hans Smith was an honorable man with a commitment to family, friends and Sunsweet that will forever live in the lives of the people he so graciously touched. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

INTRODUCTION OF THE MENTORING FOR ALL ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Mentoring for All Act of 2009 to support and greatly enhance youth mentoring efforts in the United States.

We currently face a mentoring deficit in our country. An estimated 15 million children could benefit from a healthy mentoring relationship, but no responsible adult mentor is available. We would see amazing results by reducing this deficit.

In fact, studies show the benefits of youth mentoring on our children. Those who have a healthy mentoring relationship are more likely to graduate from high school and go to college. They are less likely to turn to drugs or substance abuse. Children who grow up with a caring mentor are more likely to live full and productive lives.

The Mentoring for All Act will increase the number of children who will benefit from a responsible mentor and improve the quality of our mentoring programs nationwide.

Specifically, ''Mentoring Partnerships'' are the central entity providing assistance and guidance to the youth mentoring organizations within a state or region. This legislation will strengthen mentoring programs on both the local and state levels by supporting Mentoring Partnerships.

A Mentoring Partnership provides training and technical assistance, recruits mentors, engages statewide leadership, and advances research and knowledge for successful mentoring. That is, the partnerships support local organizations that operate mentoring programs and provide in most cases a state-wide infrastructure network to coordinate success. The partnerships have led to stronger mentoring programs and more children in healthy mentoring relationships.

This legislation will provide grants to Mentoring Partnerships and sub-grants to local mentoring organizations to directly support youth mentoring. In addition, the legislation will connect individual state Mentoring Partnerships to a central location through the Corporation for National and Community Service, increasing communication and information sharing nationwide for successful outcomes.

Madam Speaker, investing in youth mentoring programs is a worthy endeavor. It is time we acted to provide a mentor to our children in need of a responsible role model. Thank you very much for considering this legislation.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

1) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Bureau of Reclamation, Water and Related Resources Account

Entity Requesting: Rancho California Water District (RCWD), 42135 Winchester Road, Temecula, CA 92590

Description of Earmark:

RCWD's project will substantially expand use of recycled and raw water in Riverside County, free up treated water to serve 70,000 new households in Southern California by converting agricultural demands from treated to recycled and raw water, shifting 144 cfs peak demand off MWD's treated water system, providing for additional recycled water reuse of 16,000 AF/year, relieving pressure from the Bay Delta and Colorado River, increasing annual storage by 10,000 AF/year, reducing carbon emissions by 4.9 million pounds/year. RCWD completed a feasibility study, which ensured viability of the project and was approved by Bureau of Reclamation (2007).

RCWD's Fiscal Year 2009 $50,000 allocation will go toward design and construction—already underway this year—of a 48-inch pipeline to expand local recycled and raw water resources.

Spending Plan:

Project Expenditures—

RCWD's Fiscal Year 2009 $50,000 amount will go toward design and construction—already underway this year—of a 48–inch pipeline to expand local recycled and raw water resources. The total cost for this phase of the project is estimated at $28,000,000. The federal funding allocation will receive a non-federal/local match of $26,000,000, or 92 percent. The non-federal funding match is provided by RCWD. Federal funds will be used for final design and beginning construction of the 48-inch pipeline to transport raw water from MWD's aqueduct for storage in Vail Lake.

2) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Construction Account

Entity Requesting: Eastern Municipal Water District, 2270 Trumble Road, P.O. Box 8300, Perris, CA 92572–8300

Description of Earmark:

$946,000 is provided for a project that will produce potable water from an otherwise unusable groundwater resource through the construction of a three million-gallon per day (MGD) reverse osmosis desalter, feed-water pipelines, and brackish water wells in the Perris South sub-basin. In addition to reducing future demand for imported water from the Sacramento-San Joaquin Delta and the Colorado River, project benefits include salinity management for expanded water recycling and protection of high-quality groundwater in basins adjacent to the South Perris Basin.

The Perris II Desalter is a vital component of Eastern Municipal Water District's (EMWD) desalination program which will ultimately generate up to 12,000 acre-feet per year of potable water and remove 50,000 tons of salt out of the basin every year. Projects such as this will move EMWD toward its goal of drought-proofing its region and providing reliability and flexibility to its water supply. EMWD has received funding authorization under P.L. 106–554, Div. B, Sec. 108 (d)(52) for implementation of the desalination program.

Spending Plan

Project Expenditures:	
Total Project Cost	$30,000,000
Total State/Local Contribution	$7,500,000
FY09 State/Local Contribution	$500,000
FY09 Federal Funding	$946,000

3) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Investigations Account

Entity Requesting: Riverside County Flood Control & Water Conservation District, 1995 Market Street, Riverside, CA 92501

Description of Earmark:

$215,000 is provided for the Heacock and Cactus Channels project that will provide flood control through the widening and deepening of the channels, as well as construction of facilities designed to safely convey the tributary flows to a currently existing ultimate outlet downstream. A reduction in flooding will not only benefit the local community whose drains back up during storms, but it would also allow March Air Reserve Base to better safeguard its equipment and infrastructure from flood waters and ensure that the military's readiness for overseas deployment at this facility is not adversely affected.

Funds will be used to award and construct the project. At this time, the Corps has already completed an Initial Appraisal Report and Project Management Plan under its Section 205 Program, as well as executed a Feasibility Cost Sharing Agreement that would take into account the federal benefits that would accrue as a result of this project, which have been estimated to be as much as 75 percent.

Spending Plan

Project Expenditures:	
Total Project Cost	$30,000,000
Federal Share	$28,400,000
Non-Federal Share	$1,600,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Construction Account

Entity Requesting: Riverside County Flood Control & Water Conservation District, 1995 Market Street, Riverside, CA 92501

Description of Earmark:

$3,349,000 is provided and will be used to award and construct the project's entire Phase II reach, which includes protection for Old Town Temecula, as well as to complete the Design Documentation Report and the preparation of plans and specifications for Phase III's Multi-Purpose Detention Basin.

The Murrieta Creek Flood Control Project will provide 100-year flood control, environmental restoration and recreation benefits to the cities of Murrieta and Temecula. The project, which will be constructed in four distinct phases, will include a 250 acre detention basin to attenuate flows from the over 150

square mile watershed and which, once completed, will reduce citizens' and businesses' exposure that requires many of them to carry flood insurance. The project will also create seven miles of soft earthen channelization that will result in the development of a riparian habitat corridor throughout the length of the project, which can become a safe home for several listed endangered species that have already been found to exist nearby. This channel will not only facilitate species movement and connectivity to existing wildlife preserves, but will also create an extensive natural wetlands system that can efficiently remove contaminants from stream flows and help ensure improved water quality for local residents and soldiers stationed at the Camp Pendleton Marine Base.

The project covers the Murrieta Creek and surrounding region beginning just upstream from Old Town Murrieta to Vineyard Parkway-Tenaja Road (Phase IV) and running downstream south of Old Town Temecula, including Old Town Front and Pujol Streets (Phase I). Flood protection and ecosystem restoration will cover areas in between these two points that include the Santa Rosa Water Reclamation Facility, the region's commerce center near US–15 and Historic Old Town Temecula.

Spending Plan

Project Expenditures:

Total Project Cost	$117,000,000
Federal Share	$75,270,000
Non-Federal Share	$41,730,000

5) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, Land Acquisition Account

Entity Requesting: Coachella Valley Mountains Conservancy and the Friends of the Desert, 45480 Portola Ave, Palm Desert, CA 92260

Description of Earmark:

$1,300,000 is provided for acquisition of 612 acres (a 544 acre property, and two 40 acre parcels) by BLM to protect important lands in the Santa Rosa and San Jacinto Mountains National Monument. The 544 acre parcel is bounded by BLM land to the north and east. The property abuts the existing Andreas Hills residential development and is located within the City of Palm Springs. The property contains portions of two trails proposed as year-round trails in the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP); thus, providing recreation opportunities in the Monument. It also contains a palm oasis. The two 40 acre parcels are also largely surrounded by existing BLM land, and provide habitat for the bighorn sheep.

Spending Plan:

Project Expenditures—

The acquisition cost is $1,305,000 for all three properties.

6) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, STAG Water and Wastewater Infrastructure Project

Entity Requesting: The City of Hemet, 445 E. Florida Avenue, Hemet, CA 92543

Description of Earmark:

$275,000 is provided for this project that will encompass improvements that include artificial recharge facilities, over 35 acres with a raw water capacity of 7500 acre feet per year, piping, valving and the construction of ponds in the San Jacinto River bed.

Spending Plan:

Project Expenditures—

Funding will be used for environmental studies, planning, and engineering. The entire cost of Phase I will cost $19 million. The project will be completed in approximately 4 years once the funding has been secured. The project partners are the City of Hemet, Eastern Municipal Water District (EMWD), the City of San Jacinto, and Lake Hemet Municipal Water District (LHMWD).

7) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, Capital Improvement and Maintenance (construction)

Entity Requesting: United States Forest Service, Keenwild Helitack Base, 28500 Highway 243, Mountain Center, CA 92541

Description of Earmark:

$600,000 is provided for the Keenwild Helitack Base. The Keenwild location in southern California is strategic to initial attack firefighting on the San Jacinto Ranger District and the Santa Rosa and San Jacinto Mountains National Monument. Intense fires in California have, in recent years, included the Gilman Fire and Esperanza Fire near Palm Springs in my district, where sadly five brave United States Forest Service firefighters lost their lives. The fires throughout San Diego County and other parts of southern California were a stark reminder to place priorities on preparedness.

The Keenwild Helibase has been submitted twice for reconstruction in recent years through normal Region 5 Forest Service procedures. The current facilities are clearly outdated given the important role the workers play.

Spending Plan:

Project Expenditures—

The U.S. Forest Service recently committed $450,000 to the project, but the $600,000 will go to helping the building project reach the amount needed for completion.

8) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Department of Education, Higher Education Account

Entity Requesting: California State University San Bernardino–Palm Desert Campus, c/o CSUSB main campus, 5500 University Parkway, San Bernardino, CA 92407

Description of Earmark:

$190,000 is provided to equip a nursing lab for the school's nursing and science education program. The need for nursing and health science education has been voiced throughout the Coachella Valley.

Spending Plan:

Project Expenditures—

The funds will be spent for outfitting the simulation lab of the Health Sciences building, which provides necessary real-life experience needed by nursing students. The lab provides a computer-model-driven, full sized simulator for students to practice their patient care skills.

9) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services Account

Entity Requesting: County of Riverside, Riverside County Medical Center, 26520 Cactus Avenue, Moreno Valley, CA 92555

Description of Earmark:

$523,000 is provided in order for the Medical Center to be able to adequately fulfill its role as the primary first responder hospital for emergency, trauma and disaster. There is great need for expansion of the trauma room, as the Medical Center is the Emergency First Responder for the County of Riverside with a population of 1.75 million. Currently, the RCRMC Trauma Unit is equipped with one undersized trauma room with a limited 168 sq ft of space. This room is much too small to meet any critical needs of the patient population. The absence of an adequately sized trauma unit can result in extensive delays in crucial, life saving treatment, in multi-casualty situations.

Spending Plan:

Project Expenditures—

All funds will be dedicated to expanding the trauma room at the Riverside County Medical Center.

10) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment Account

Entity Requesting: Operation SafeHouse: SafeHouse of the Desert, 72710 East Lynn Street, Thousand Palms, CA 92276

Description of Earmark:

$95,000 is provided to expand the existing substance abuse services and counseling to the youth who utilize the SafeHouse of the Desert facility. This unique program provides services to at-risk youth in the Coachella Valley, and consists of an in-house and Aftercare programs.

Spending Plan:

Project Expenditures—

$95,000 will be used for the expansion of the substance abuse office/counseling center and for operational program costs. Nearly 50% of the total project costs will be provided through private funds.

11) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Institute of Museum & Library Services, Museum and Library Services

Entity Requesting: The National Autry Center, 4700 Western Heritage Way, Los Angeles, CA 90027

Description of Earmark: $167,000 is provided for the Autry National Center's new facilities in Griffith Park.

Spending Plan:

Project Expenditures—

The funds will be used to support the design, fabrication, and installation of educational immersion environments and visible collections storage.

12) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Terminal Air Traffic Control Facilities Replacement

Entity Requesting: City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262

Description of Earmark:

$800,000 on behalf of the City of Palm Springs, California, for the replacement of the Palm Springs Air Traffic Control Tower Facility. Funding for FY09 will be used for construction of the new tower facility to improve

air traffic efficiency and help expand air service. The Coachella Valley is one of the fastest growing regions in the State of California. Therefore, it is critical that we provide the residents and visitors who fly in and out of Palm Springs International Airport (PSP) with the expanded air service that meets their needs. Expanding the airport will better serve airline passengers at PSP, while relieving congestion at Los Angeles Airport (LAX) and other strained airports.

Spending Plan:

Project Expenditures—

This is a recurring expenditure and the monies are expected to be spent in the Spring of fiscal year 2010 for the construction of the Air Traffic Control Tower (ACTC) at Palm Springs International Airport (PSP).

13) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Buses and Bus Facilities

Entity Requesting: SunLine Transit Agency, 32–505 Harry Oliver Trail, Thousand Palms, CA 92276

Description of Earmark:

$475,000 is provided for SunLine Transit Agency. SunLine Transit Agency is the transit provider in the Coachella Valley, serving more than 35 million people per year in California's fastest growing communities. Recently, SunLine completed an analysis of existing services in order to evaluate the need for new service routes and better transit choices. This requested funding would be used to increase the span of service and improve access for residents, as well as purchase new buses to meet the needs of disabled persons who require the transportation for reasons such as medical appointments.

Spending Plan:

Project Expenditures—

The total projected cost for SunLine is $593,750 for FY 2009. The Federal share of funding will be $470,000, and SunLine's matching share will be $118,750. In addition, SunLine has already committed $86,025 of the Agency's local funds toward the on-going efforts via funding in the current Short Range Transit Plan. The funds received will be used to augment funding awarded to SunLine through the Congestion Mitigation Air Quality Program toward the planning, development and construction of a transit hub in conjunction with SunLine's proposed Administrative, Operations and Maintenance Building in Thousand Palms.

14) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Interstate Maintenance Discretionary

Entity Requesting: Coachella Valley Association of Governments (CVAG), California 73–710 Fred Waring Drive, Suite #200, Palm Desert, CA 92260

Description of Earmark:

The earmark provides for $475,000 for improvements to Interstate 10/Ramon Road/Bob Hope out of the Federal Highway Administration's Interstate Maintenance, Corridors and Borders program. As this project is critical to alleviating traffic congestion in the Valley, funding for the project is being sought in cooperation with the Coachella Valley Association of Governments (CVAG). The existing road facility at this location was constructed approximately 46 years ago. This interchange provides primary cross freeway access between the north and the south sides of the Valley as well as area connectivity with the Interstate Highway System.

Spending Plan:

Project Expenditures—

The estimated cost of this project is $46,774,044, so the federal contribution will be supplemented with other monies to reach this total.

15) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Surface Transportation Priorities

Entity Requesting: Riverside County Transportation Commission (RCTC), 4080 Lemon Street, 3rd Floor, Riverside, CA 92502–2208

Description of Earmark:

The earmark provides for $570,000 for the Alameda Corridor Grade separation. The Alameda Corridor Grade separation remains a high priority of the Riverside County Transportation Commission, and state and local government. More than 68 million tons of freight pass through Riverside County to the rest of the country, but very little of this freight originates or ends in the County. Traffic and trains are halted at a number of crossings throughout the Coachella Valley. This grade separation would allow the flow of traffic, reduce congestion and delays, cut down on the air pollution, and increase efficiency of freight transportation. Money was appropriated for FY 2008, FY 2006 and FY 2005 grade separation projects. This year's requested funding would continue to aid the Coachella Valley's effort to streamline the traffic flow at these various crossings.

Spending Plan:

Project Expenditures—

The total projected cost for Alameda Corridor East in Riverside County is $980,500,000, with an unfunded balance of $565,500,000. Currently, local matching funds are $179,500,000. The State is matching funds of $152,700,000. Two grade separations in Riverside County have been completed (including one in the Coachella Valley), two are under construction, and two more could be under construction in the later part of FY 2009 if sufficient funds are available.

16) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Surface Transportation Priorities

Entity Requesting: City of Coachella, 1515 Sixth Street, Coachella, CA 92236–1713

Description of Earmark:

The earmark provides for $380,000 for the City of Coachella, California, for the first phase of an overpass and interchange project. The completion of the overpass and interchange on 86S Expressway at Avenue 52 is critical to the safety of passengers traveling on roads in this area. State Highway 86 used to be a rural 2–lane road, but as a result of rapid population growth in the region and new road developments, traffic traveling 65 miles/hr must come to a full stop at the Expressway and Avenue 52 intersection. This requires a drastic adjustment in speed to allow for traffic to access the Expressway. This is usually a contributing factor to traffic accidents that occur in this area and, for this reason, addressing the problem has become a priority of Federal, state and local government. The funding requested will assist in the project approval, environmental documentation and preliminary engineering needed to complete this critical overpass and interchange project.

Spending Plan:

Project Expenditures—

The funding requested will assist in the project approval, environmental documentation and preliminary engineering needed to complete this critical overpass and interchange project.

17) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Economic Development Initiatives

Entity Requesting: City of Indio, 100 Civic Center Mall, Indio, California 92201

Description of Earmark:

The earmark provides for $142,500 for the City of Indio for the development of a local community center. As on ongoing effort to revitalize the City of Indio and accommodate its fast-growing population, the City has repaved roads, renovated parks and museums, and enhanced water systems. As a part of this ongoing community development project, the requested funding will be used by the City of Indio to develop a community center in which the local youth can participate in a variety of sports and activities.

Spending Plan:

Project Expenditures—

$142,000 will be devoted to the construction costs or equipment costs associated with the local community center.

18) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Department of Justice, OJP—Juvenile Justice

Entity Requesting: Olive Crest, 2130 E. 4th St., Ste. 200, Santa Ana, CA 92705

Description of Earmark:

$100,000 is provided for Olive Crest Independent Living Skills (ILS) Program. Olive Crest Homes and Services for Abused Children provides care for abused, abandoned and severely neglected children. Olive Crest is dedicated to preventing child abuse, to Treating and Educating at-risk children and to Preserving the family. Serving 5,000 children and families annually, Olive Crest provides services in Southern California, Nevada and the Pacific Northwest. The ILS program, provided by Olive Crest, is a program that helps youth to formulate this individual plan to build their skills in: Attainment of Educational goals, Income Maintenance, Vocational Goal Achievement, Daily Living Skills and Interpersonal Skills. Over 200 youth participate in the Independent Living Program a year. With additional funding the program will be expanded to offer additional individualized services to all at-risk youth that Olive Crest serves.

Spending Plan:

Project Expenditures—

Olive Crest currently invests $2,650,000 in the Inland Empire, California to provide services to more than 100 Olive Crest at-risk youth. Olive Crest invests $525,000.00 to support Independent Living Support (ILS) program. Olive Crest provides an on-going private match of dollars and in-kind services of at least 10%. Last year, the match was $260,000. The $100,000 appropriation will be used to fund Olive Crest Independent Living Skills program.

19) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105
Account: Department of Justice, COPS Law Enforcement Technology
Entity Requesting: City of Cathedral City, 68700 Avenida Lalo Guerrero, Cathedral City, CA 92234
Description of Earmark:
$400,000 is provided for Eastern Riverside County Interoperability Communication Authority (ERICA). The ERICA involves a regional collaboration among the cities of Cathedral City, Desert Hot Springs, Indio, Palm Springs, La Quinta, and Coachella. Recent Federal mandates highlight the urgency to upgrade radio communication to digital, interoperable 800 MHz frequency and be Project 25 compliant for agencies in Congressional Districts 41 and 45. The Federal funding for ERICA would be used to purchase equipment, hardware, software, facilities, engineering and labor to build an 800 MHz, trunked, P–25 compliant, digital, regional radio system. It should also be noted that in total, the cities, county, and tribal governments participating in ERICA have agreed to invest $23,000,000 in this initiative.
Spending Plan:
Project Expenditures—
The dollars appropriated for Catherdral City in CJS, under the project title of Eastern Riverside County Interoperability Communication Authority (ERICA), will be used for equipment costs to support the ERICA system.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: COPS Law Enforcement Technology
Legal Name of Requesting Entity: Johnson County, Indiana
Address of Requesting Entity: Johnson County, 86 West Court Street, Franklin, Indiana, 46131
Description of Request: Provide an earmark of $850,000 to allow Johnson County to install an additional radio tower for its public safety communications system, thereby eliminating areas of the County without coverage. The funding will also provide for the upgrading of the public communications system to allow for simultaneous communications among public safety officials.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: OJP—Juvenile Justice
Legal Name of Requesting Entity: Indiana Teen Challenge
Address of Requesting Entity: Indiana Teen Challenge, 1015 North Lebanon Street, Post Office Box 564, Lebanon, Indiana, 46052
Description of Request: Provide an earmark of $50,000 to Indiana Teen Challenge to be used to expand the organization's substance abuse prevention outreach program in Lebanon, Indiana. The funding will be used to expand the program into a full-time effort for a dedicated staff member who would nearly quadruple the organization's outreach in the community. The goal of the program is to prevent experimentation and use of drugs before adolescents need treatment.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services
Legal Name of Requesting Entity: Clarian Health Partners, Inc.
Address of Requesting Entity: Clarian Healthcare, 1701 North Senate Boulevard, Executive Office–B107, Indianapolis, IN 46202
Description of Request: Provide an earmark of $381,000 to expand and renovate the thirty year old children's burn unit. The expanded unit will offer private patient rooms, a family waiting area, and additional support and storage areas for supplies and equipment. The burn unit serves the entire State of Indiana.
Bill Number: H.R. 1105
Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services
Legal Name of Requesting Entity: St. Elizabeth Regional Health
Address of Requesting Entity: St. Elizabeth Regional Health, 1501 Hartford Street, Lafayette, IN 47904
Description of Request: Provide an earmark of $143,000 to renovate hospital space originally designed for an acute inpatient unit to accommodate a new psychiatry services unit. The new unit will provide twenty patient beds, and renovations are necessary to ensure the safety and security of the patients and staff within the facility.
Bill Number: H.R. 1105
Account: Substance Abuse and Mental Health Services Administration (SAMHSA)–Substance Abuse Treatment
Legal Name of Requesting Entity: Indiana Teen Challenge
Address of Requesting Entity: Indiana Teen Challenge, 1015 North Lebanon Street, Post Office Box 564, Lebanon, IN, 46052
Description of Request: Provide an earmark of $143,000 to offset Indiana Teen Challenge's costs in providing addiction treatment services to adolescent girls aged thirteen to seventeen at no cost or discounted rates. The funding will be applied toward salaries and benefits, supplies, equipment, travel, contractual, and other costs.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: Employment and Training Administration (ETA)—Training and Employment Services (TES)
Legal Name of Requesting Entity: Indiana State University
Address of Requesting Entity: Indiana State University, Office of the President, Condit House, Terre Haute, IN 47809
Description of Request: Provide an earmark of $190,000 to the Indiana State University in order to expanding the Lawrence County Sycamore Community Learning Center to meet the needs of the community by providing additional education and training services that will afford more local citizens the skills and credentials valued in the local labor market.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: United States Army Corps of Engineers General Investigations
Legal Name of Requesting Entity: Tippecanoe County, Indiana
Address of Requesting Entity: 200 North 2nd Street Lafayette, Indiana 47901
Description of Request: Provide an earmark of $96,000 to conduct a reconnaissance study of the Wabash River Corridor in Tippecanoe County, IN. The project will incorporate information and data from ACOE- PAS FY 06 and 07 Wabash River Hydraulic Study and the in-progress PAS FY 08 corridor master plan project to develop an overall corridor master plan to guide future growth in Lafayette-West Lafayette, Tippecanoe County. The Project will examine the level of federal interest in participating in a project to implement flood reduction management, initiate ecosystem restoration, and enhance recreation.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: Federal Transit Administration Sec. 5309
Legal Name of Requesting Entity: Greater Lafayette Public Transportation Corp. (GLPTC, CityBus)
Address of Requesting Entity: 1250 Canal Rd., P.O. Box 588 Lafayette, IN 47902
Description of Request: Provide an earmark of $2,945,000 from the FTA section 5309 account. City Bus will provide a 20% match totaling $525,000. The funds will be spent towards increasing the hybrid bus fleet. The engines are manufactured in Indiana (Cummins and GM Allison Transmission).
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: Transportation Community and System Preservation
Legal Name of Requesting Entity: Boone County, IN
Address of Requesting Entity: 212 Courthouse Square, Lebanon IN 46052
Description of Request: Provide an earmark of $855,000 for the extension of the 146th Street Corridor. As part of an overall highway plan involving four project centered on the I–65/SR267 interchange in Boone County, the County is pursuing the extension of the 146th Street Corridor from the Hamilton County line to 1–65. Hamilton County has begun the design of their portion of 146th Street, and will ultimately result in a four lane parkway from the Boone County line to Spring Mill Road.
Requesting Member: Congressman STEVE BUYER
Bill Number: H.R. 1105
Account: Transportation Community and System Preservation
Legal Name of Requesting Entity: Hendricks County, IN
Address of Requesting Entity: 355 S. Washington Street Danville, IN 46122
Description of Request: Provide an earmark of $570,000 to continue the Ronald Reagan Parkway construction, which ultimately connects 1–70 and the Indianapolis International Airport to 1–65 in Boone County, Indiana. With the original northern and southern segments of the project completed or underway, this

project will focus on the construction of the middle segment from US 36 to CR100S over the Avon CSX rail yards, and the design of the adjoining segment from CR100S to CR200S, completing the southern linkage of the road.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Transportation and Community and System Preservation Program

Legal Name of Requesting Entity: Johnson County, IN

Address of Requesting Entity: 86 West Court Street, Franklin, IN 46131

Description of Request: Provide an earmark of $237,500 for construction of an interchange at the intersection of 1–65 and County Road 750 North (a.k.a. Worthsville Road) in Johnson County, Indiana. This Project will ultimately increase connectivity between major north-south corridors on the south-side of Indianapolis by providing a specific route for through-traffic traveling between these north-south roads.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured $190,000 for a Health Facility in Englewood, Florida. Sarasota County is seeking to construct a new health facility in the community of Englewood. The facility will be located in the southern most portion of Sarasota County and will serve the residents of both Sarasota and Charlotte counties. The facility will improve access to health care and a variety of human and social services programs for residents.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corp of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity: 1565 First Street, Sarasota, FL 34236

Description of Request: I secured $150,000 for Lido Key beach re-nourishment. The middle portion of Lido Key Beach is the most seriously eroded segment. This section of beach is generally very narrow due to the ongoing erosion problem, which has been accelerated by several storms from 1982 to the present. As a result, the damage to Lido Key Beach and adjacent structures from even moderate storms has increased and greater losses can be expected from future storms. The beach loses an average of almost 11 feet of width each year.

In a Reconnaissance study report approved by the U.S. Army Corps of Engineers in May of 1997, the Corps found that the Lido Key Beach Nourishment project ''is technically sound, economically justified, and socially and environmentally acceptable.'' The U.S. Army Corps of Engineers has recommended the nourishment of 1.56 miles of shoreline. Ratios in excess of 1 to 1 are required for the Corps to find that a proposed shoreline protection project meets its national economic benefit test.

The project was fully authorized by Section 364 of the Water Resources Development Act of 1999, P.L. 106–53.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Ave W. Bradenton, FL 34205

Description of Request: I secured $3,828,000 for Wares Creek Flood and Coastal Storm Damage Project. The Wares Creek Project involves dredging approximately three miles of the waterway for flood control purposes. It seeks to extinguish ''muck and sediment'' from the mouth of the creek. The project was initially authorized in the Water Resources Development Act of 1996 and is endorsed by the Manatee County Commissioners. It received $4.7 million in funds last year from the Omnibus Appropriation bill.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Operations & Maintenance

Legal Name of Requesting Entity: West Coast Inland Navigational District

Address of Requesting Entity: 200 East Miami Avenue, Venice, FL 34285

Description of Request: I secured $2,076,000 for the West Coast Inland Navigation District (WCIND) under the Army Corps of Engineers, Operation and Maintenance account for maintenance dredging of the Gulf Intracoastal Waterway (GIWW), (a.k.a Intracoastal Waterway, Caloosahatchee River to Anclote River), Florida.

The areas in need of maintenance dredging include Longboat Pass (Manatee County), Venice Inlet (Sarasota County), mouth of Caloosahatchee River (Miserable Mile in Lee County), and the Boca Grande Bayou area (Miller's Marina in Lee County) of the GICW. With the Committee's help, Congress appropriated $1.4 million (FY'04 & FY'05 combined) for the required design, engineering, permitting, and initial dredging for these projects.

In 1945, in the Rivers and Harbors Act, Congress authorized the GICW to be maintained at a width of 100-feet, and a depth of nine-feet between the mouth of the Caloosahatchee River, near Ft. Myers, and the Anclote River, north of Tampa. The GICW channel runs through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee) and links natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods, and access to commercial fishing grounds. Dredging of the GICW commenced in 1960 and was completed in 1967, at which time the WCIND began maintenance activities.

EARMARK DECLARATION

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 1105, the ''Omnibus Appropriations Act of 2009.''

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Justice, Juvenile Justice Programs

Legal Name of Requesting Entity: The City of Victorville

Address of Requesting Entity: 14343 Civic Drive, PO Box 5001, Victorville, CA 92393

Description of Request: I requested and received a Member priority request totaling $82,500 to assist with the Uturn Gang Prevention Program evaluation and assessment component. Uturn Gang Prevention Program will focus on elementary school age at-risk youth, along with their immediate families. The focal point will be three areas of accountability: home, school and community. The Uturn program aims to work with at-risk families willing to make a two-year commitment to involvement in services. The goal is to develop at risk children's full personal potential so that they will not be attracted to gang involvement.

The City of Victorville will contract evaluation and assessment services through California State University San Bernardino, College of Social and Behavioral Sciences, Department of Social Work. Evaluation and assessment services will track participants' behavioral changes, school attendance, communication skills, academic trends, family involvement, and communication skill sets.

Ultimately this program will evaluate and assess the individual and collective development of the youth and families. This program will enhance the family structure and strengthen values. The progress of the program participants will be tracked every 6 months for a two year period insuring behavioral, emotional and family stability. The success of the program insuring gang life will be less attractive and irrelevant to the youth.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Justice, Law Enforcement and Interoperable Program (COPS Technology)

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $100,000 for the City of Palmdale's Technology Acquisition for Joint Law Enforcement Emergency Operations Center. The City of Palmdale is vulnerable to earthquake and fire disasters, which have been identified in the City's local hazard mitigation plan. While the City has an emergency operations center, it is currently inadequate to accommodate a full-scale deployment of staffing to respond to a catastrophic event.

Additionally, the City's contract law enforcement agency, the Los Angeles County Sheriff's Department, does not currently have a departmental operations center that is adequate to service their needs in a disaster. The new site will allow the City flexibility in its response, a larger facility to accommodate joint operations between the City of Palmdale, the Los Angeles County Fire Department and Los Angeles County Sheriff's Department. This project will allow the City of Palmdale to better respond to natural or man-made disasters. It will provide an alternate facility to be jointly used by the City, law, and fire branches.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009 Account: Department of Justice, Juvenile Justice

Legal Name of Requesting Entity: CASA of Los Angeles County

Address of Requesting Entity: CASA of Los Angeles County, Lancaster office, 1040 West Avenue J, Room 1130 Lancaster, CA 93534–3329

Description of Request: I requested and received a Member priority request totaling $300,000 for the Court Appointed Special Advocates (CASA) of Los Angeles County Lancaster program. The funding is specifically to recruit and train additional CASA volunteers to provide advocacy services to 120 additional abused and neglected foster children in the Antelope Valley area. CASA of Los Angeles County will provide any required match for this program.

CASA of Los Angeles services the needs of abused and neglected children in the foster care system through the recruitment, training, supervision and support of community volunteers who investigate the circumstances of each child, facilitate the provisions of services, monitor compliance with the orders of the court and advocate for the best interests of the child.

Requesting Member: Congressman Howard P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: The City of Barstow

Address of Requesting Entity: 220 East Mountain View Street, Suite A, Barstow, CA 92311

Description of Request: I requested and received a Member priority request totaling $500,000 to assist with the City of Barstow Sewer Master Plan Implementation, Phase II. This project involves constructing de-nitrification facilities at the City's wastewater reclamation facility (WRF) to reduce effluent nitrate levels and expand and upgrade the WRF from a secondary to a tertiary treatment facility. This project is critical to reducing the amount of nitrate pollution generated by the City's WRF and mitigating the overdraft of the Mojave River basin, the Southern California High Desert Region's sole natural source of water. In FY08, the City of Barstow received $500,000 to partially fund the de-nitrification facility construction. The FY09 funding will be used to fund the balance of the construction of the de-nitrification facility. The City of Barstow will provide a minimum of a 50/50 cost share for the remaining funding.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: USDA Forest Service, Land and Water Conservation Fund (LWCF)

Legal Name of Requesting Entity: Pacific Crest Trail Association

Address of Requesting Entity: 5325 Elkhorn Blvd., PMB 256, Sacramento, CA 95842

Description of Request: I requested and received a Member priority request totaling $500,000 to assist the Pacific Crest Trail Association (PCTA) with land acquisition to protect public access to the The Pacific Crest Trail (PCT). Land acquisition would occur in the following areas: Agua Dulce/Soledad Canyon, CA to relocate the trail off dangerous roadway, Pilot Rock, OR to aquire privately owned parcels from willing sellers within the Cascade Siskiyou National Monument that include the PCT, Plum Creek Timberlands, WA to protect the trail corridor from development pressures, Tejon Ranch, CA to reroute the trail from the temporary Mojave Desert route to the originally proposed crest route, and for program administration.

The Pacific Crest Trail (PCT) is the western treasure of America's scenic trails, spanning 2,650 miles from Mexico to Canada through California, Oregon and Washington. Thousands of hikers and equestrians enjoy this national treasure each year. The need for federal assistance is apparent as the PCT crosses or is near 26 National Forests, 7 National Parks, 5 State Parks, 4 Bureau of Land Management resource areas, and several state and county parks and has been a part of the National Trail System since October 2, 1968.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Health and Human Services, Healthcare Resources Service Agency

Legal Name of Requesting Entity: Henry Mayo Newhall Memorial Hospital

Address of Requesting Entity: 23845 McBean Parkway, Valencia, CA 91355

Description of Request: I requested and received a Member priority request totaling $333,000 to assist Henry Mayo Hospital with the design and construction of a helipad at the hospital necessary to provide emergency care for over 680 square miles of the diverse geography of north Los Angeles County, which is one of the fastest growing communities in the nation. Funding will allow the hospital to maintain its relationship with L.A. County trauma system also assist with flight safety and efficiency upgrades to existing infrastructure.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Education, Higher Education Account (FIPSE)

Legal Name of Requesting Entity: College of the Canyons

Address of Requesting Entity: 26455 Rockwell Canyon Road, Santa Clarita, CA 91355, USA

Description of Request: I requested and received a Member priority request totaling $238,000 to increase access to higher education and advanced training through The College of the Canyons University Center Consortium. The Consortium will support economic development by providing advanced education and training for the local work force, making the State of California a more competitive and stable area. Single parents and working adults who must commute to other areas in which universities are located, often experience barriers to pursuing education including childcare, work schedules and geographic barriers.

The University Center Consortium was created to create model programs to remove these barriers. The consortium is requesting funding to increase the number of bachelor's, master's, and doctoral programs available in participating communities by 50 within 3 years, increase the number of students pursuing their higher education degree to more than 1,000 annually within 3 years, disseminate specific information on the University Center model including evaluation of best practices to at least 100 colleges annually, further development of University Centers at College of the Canyons, Cañada College, and Shasta College, develop model agreements, handbooks, and planning documents that can be shared with any interested college statewide and nationally, evaluate characteristics of successful university centers within the context of local community needs and disseminate information about successful practices through the Web, an annual conference for colleges with existing programs as well as colleges interested in developing new programs, and University Center Briefs highlighting challenges, experiences and best practices.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Health and Human Services, Healthcare Resources Service Agency

Legal Name of Requesting Entity: Victor Valley Community Hospital

Address of Requesting Entity: 15248 11th St. Victorville, CA 92395

Description of Request: I requested and received a Member priority request totaling $143,000 to assist Victor Valley Community Hospital with a Healthcare Modernization and Technical Advancements program. Specifically funding will purchase MRI Equipment, CT Scan equipment, and help cover Integration and Implementation, personnel, and training costs. Furthermore, the funding would be used for advanced services such as arthritis care, behavioral health and counseling, community wellness programs, poison control, and senior health services.

The hospital would like to improve access to state-of-the art healthcare for members of the community. As such, modernization and advancement is required to ensure the residents of the Victor Valley receive quality medical treatment in a timely fashion.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Surface Transportation Projects

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $475,000 to help the City of Palmdale, CA complete Phase I of the Rancho Vista Boulevard (Avenue P) project, which is a regionally

significant transportation corridor that provides primary access to Palmdale Regional Airport and U.S. Air Force Plant 42. The City of Palmdale will use the federal funds for construction to increase safety and capacity of a 2.7-mile section of Rancho Vista Boulevard between SR–14 and 20th Street East; specifically the highly congested ¾-mile section between 3rd Street East and 10th Street East. Project is in the RTIP/FTIP. Federal funds have been used in design, and additional Federal funds, in the amount of $2.8 million (SAFETEA–LU), have already been secured for construction of Phase One. In addition, Phase I local funds include approximately $240,000 in Local funds and approximately $343,000 in STP–L (State Transportation Program—Local federal-aid funds), from FFY 2002–03 through FFY 2006–07, with additional $400,000 programmed in FFY 07–08, will be expended in design, environmental documentation, right-of-way acquisition, utility relocation and railroad coordination.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The City of Barstow

Address of Requesting Entity: 220 East Mountain View Street, Suite A, Barstow, CA 92311

Description of Request: I requested and received a Member priority request totaling $237,500 to assist with the City of Barstow Lenwood Road Grade Separation Project. This $23 million multi-year project involves the design and construction of a grade-separated railroad crossing to eliminate time delays experienced by vehicular traffic. The Lenwood Road Grade Separation project is a key component of the Alameda Corridor East Grade Separation Project, a national goods movement plan for the movement of goods from the Ports of Los Angeles and Long Beach. The funding received in FY09 will be used to start up the preliminary engineering and environmental assessment components of the project, totaling $1.6 million. The City of Barstow will provide a minimum of a 50/50 cost share for the remaining $23 million, and this funding will come directly from the City, San Bernardino County, and other local government agencies.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $380,000 for the City of Palmdale's Transportation Center to expand the train platform to accommodate the need for additional Metrolink train cars. The project provides for an extension of the existing Metrolink platform by 170 feet, from 510 feet to 680 feet, to conform to current Metrolink standards, which were adopted after construction of the center. Construction of 170 feet of platform would also include shelters, lighting, signage and drainage. Since 2005, the number of visitors has increased dramatically, especially Metrolink train riders. It is estimated that the train riders occupy 80% of the available parking spaces at the Center (approximately 600 of the 730 spaces).

Metrolink estimates that there are 6,100 riders during the weekday and that number is anticipated to grow 6–8% each year, necessitating additional train cars. Currently the train platform can only accommodate 6 Metrolink train cars (which is the current configuration for this line), while the latest standards call for a train platform to accommodate 8 train cars (the platform was constructed to Metrolink's standards in effect at the time). Local funding for the project includes: $5.64 million from Metropolitan Transportation Authority (Metro); $320,000 from Antelope Valley Air Quality District; $208,000 from Antelope Valley Transit Authority; $200,000 from Los Angeles County; and $129,000 from Antelope Valley Union High School District.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Labor, Employment and Training Administration, Training and Employment Services

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $238,000 for the City of Palmdale and the South Valley WorkSource Center (SVWC) to further develop and fully implement the second year of the Business Resource Network. In early 2008, the City of Palmdale was notified of being awarded $147,000 ($360,000 was requested) toward the first year start-up of this program. It is an economic development support program that will connect area small businesses to organized public and private business resources offered by the South Valley WorkSource, Business Advisory Board, private sector partners, business and economic development organizations, educational institutions, City Government Business Outreach Department, and Department of Rehabilitation. This project will address the need to increase and augment business recruitment and retention of small businesses (1 to 25 employees) in the City of Palmdale and surrounding areas. The project will enhance connections between area firms and available public and private business resources, which are designed to increase worker skills preparedness, reduce the potential for employee lay-offs and business closures, and promote continuing local economic development and growth.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of the Interior, Environmental Protection Agency, State and Tribal Assistant Grants, Training and Employment Services

Legal Name of Requesting Entity: County of Los Angeles Department of Public Works

Address of Requesting Entity: 900 South Fremont Avenue, Alhambra, CA 91803–1331

Description of Request: I requested and received a Member priority request totaling $900,000 for the County of Los Angeles Department of Public Works consisting to construct Phase 1B of the North Los Angeles County Regional Recycled Water Project (Regional Project). Approximately 8.5 miles of 24-inch-diameter recycled water pipeline, a 1.5 million-gallon storage reservoir, and a pump station will be constructed to add to Phase IA of the Regional Project that was previously constructed cooperatively by the City of Lancaster and Los Angeles County Waterworks District No. 40, Antelope Valley (District). Phase 1B will add a recycled water pipeline that runs along Division Street to Avenue K, along Sierra Highway to Rancho Vista Boulevard, and along Rancho Vista Boulevard to 10th Street West. The storage reservoir will be constructed at an existing tank site near Rancho Vista Boulevard and 10th Street West, and the pump station will be constructed near Avenue E and Division Street.

Phase 1B represents a critical component of the estimated $120 million Regional Project to construct a recycled water backbone distribution system to serve the cities of Lancaster, Palmdale, and surrounding unincorporated communities in the Antelope Valley. Phase 1B includes the necessary infrastructure to serve recycled water to customers with identified uses for 2 billion gallons of recycled water per year. The beneficial use of recycled water will increase the reliability of the Antelope Valley's limited water supplies, decrease reliance on imported water and local groundwater supplies, and provide a viable means for reusing treated wastewater.

The County's request for the project will be matched by $17.5 million in non-Federal funds.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Castaic Lake Water Agency (CLWA)

Address of Requesting Entity: 27234 Bouquet Canyon Road, Santa Clarita, CA 91350

Description of Request: I requested and received a Member priority request totaling $1.148 million to implement the cleanup of perchlorate groundwater contamination at the former Whittaker-Bermite site in the City of Santa Clarita. Characterization studies and treatment system design have been completes by December 2008 and commencement of operations to clean up the contaminated groundwater from the wells is anticipated to start by January 2009. CLWA will provide in-kind services amounting to at least $2,156,000. This project was authorized as part of H.R. 1495, the Water Resources Development Act of 2007, and has received a total of $10,651,000 from FY 2001–FY 2008.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: The City of Santa Clarita

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling

$239,000 to continue with the initial Project Management Plan component of the Feasibility Phase of the Santa Clara River Study being conducted with the Army Corps of Engineers. Work being funded would include a groundwater characterization study, public outreach and partnership formation with key community groups, development of baseline data, and environmental studies. In November 2002, the Army Corps of Engineers approved the Santa Clara River Reconnaissance Study. The study's focus includes potential habitat restoration, flood protection and ancillary recreation opportunities for the Santa Clara River, located in Southern California.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The City of Santa Clarita

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling $570,000 to complete the last remaining section of the Cross Valley Connector. The last portion of this vital highway project consists of an 1100-foot bridge over the Santa Clara River. The bridge recently completed an environmental review and construction commenced in the fall of 2008 with completion expected in early 2010. This request is consistent with the intended purposes and authorization of the Federal highway Administration as it fulfills local transportation planning. The project will provide much needed regional congestive relief as well as provide additional capacity.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The Autry National Center for the American West

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling $167,000 for the Autry National Center for the American West. This funding would assist with the construction of a new Southwest Museum facility at the Museum's Griffith Park campus.

Support will allow the design and creation of new facilities along with planning, design, and public programming of educational immersion environments and visible collections storage. These interactive spaces will allow the Autry to teach local, national, and international visitors about the many diverse cultures who have shaped the American West.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. PUTNAM. Madam Speaker, I submit the following:

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Project Funding Amount: $285,000

Legal Name of Requesting Entity: Polk County Transit System

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: To continue to provide vital transportation bus service to several regional locations, funding is needed to replace, update and repair outdated buses, as well provide for facility upgrades and maintenance services.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: The Cooperative State Research Extension and Education Service (CSREES)

Project Funding Amount: $6,677,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: The T-STAR program conducts research and education for interdiction, eradication, and suppression of invasive plants, animals, insects and disease. The objective of this critical initiative is to develop strategies and tactics to stem the influx of invasive species into the United States to protect American agriculture.

To more effectively safeguard the U. S. agricultural industry, there is an urgent need to undertake research on the most pressing and destructive invasives pests and disease to 1) determine common avenues of introduction, 2) develop techniques for early detection, and 3) identify effective economic and environmentally acceptable methods for eradication, containment and regulatory protocols.

The T-STAR is administered by the University of Florida and the University of Hawaii, authorized by P.L. 89–106 and is funded as a special research initiative within the Cooperative State Research, Education and Extension Service (CSREES) of the U.S. Department of Agriculture.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account:

Project Funding Amount: $285,000

Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: Funding is requested for needed renovation improvements to the Polk County Agricultural Center. Originally constructed in 1948, the facility plays a central role in the Polk County community at large. It provides a central meeting and event location for a wide range of activities important to the community, contributing to the region's economic strength and well-being. Renovations are needed to the Polk County Agricultural Center to meet fire and safety standards, enabling its continued benefit to the area.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: State and Tribal Assistance Grant

Project Funding Amount: $500,000

Legal Name of Requesting Entity: Southwest Florida Water Management

Address of Requesting Entity: 2379 Broad Street, Brooksville, FL 34604–6899

Description of Request: To restore minimum flows and water quality to the upper Peace River and Lake Wales Ridge. Includes water resource development projects, such as restoring storage in headwater lakes in the Peace River watershed, are underway and will result in perennial flow to the upper Peace River.

The project includes Ridge Lakes Restoration Initiative to treat storm water runoff in lakes in Highlands and Polk counties; the Upper Peace River and Peace Creek Canal projects to restore surface water storage and flows and water quality and meet the long-term needs of Polk County and the surrounding area.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: The Cooperative State Research Extension and Education Service (CSREES)

Project Funding Amount: $1,217,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: Citrus Canker and Citrus Greening pose severe threats to the future of the citrus industry, in Florida and other citrus-growing regions of the nation. Citrus Greening, recently manifested widely within the state of Florida, is a particularly devastating disease which can cause the death of a healthy citrus tree within months of infestation. According to U.S. Department of Agriculture, scientific research on this deadly disease is at the present time extremely minimal and preliminary. In addition, continued research is needed on Citrus Canker to preserve the capacity to market and ship fruit domestically and for export. Scientific research is essential on both of these diseases in order to prevent their spread to other citrus growing regions of the country.

For the critical continuation and expansion of vital Citrus Canker and Greening research by the University of Florida (UF) Institute of Food and Agriculture Sciences (IFAS), through the Cooperative State Research Extension and Education Service (CSREES) to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating diseases.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Project Funding Amount: $285,000

Legal Name of Requesting Entity: Lakeland Area Mass Transit Authority Address of Requesting Entity: 1248 George Jenkins Blvd., Lakeland, FL 33815.

Description of Request: To continue to provide vital transportation bus service to several regional locations, funding is needed to replace, update and repair outdated buses, as well provide for facility upgrades and maintenance services.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account:

Project Funding Amount: $4,224,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 701 San Marco Blvd, Jacksonville, FL.

Description of Request: Army Corps of Engineers, annual Operation and Maintenance (O&M) funds are needed for periodic dredging in the 70 miles of federal channels in the Tampa Harbor.

The Tampa Harbor is a major shipping channel both for domestic and international trade, and of importance to national commerce. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons.

For FY 2009, the Army Corps estimated capability is $4.5 million to maintain various sections of the Tampa Harbor project, with an emphasis on the upper harbor. The Fiscal Year 2009 Army Corps of Engineers budget includes O&M for Tampa Harbor within the Eastern Gulf Coast System.

The Tampa Harbor is a federally authorized channel and the statutory authorization for requested project is Section 4 of the Rivers and Harbors Act of 1922.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Energy Efficiency and Renewable Energy, Biomass Account

Project Funding Amount: $713,625

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611–0180

Description of Request: Promotes the development of new energy technologies, bioenergy fuel sources, and improvement of existing energy efficiencies. Will decrease U.S. dependence on imported energy through the creation of new renewable energy technologies coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel.

The University of Florida, Renewable Energy Program promotes the development and production of bioenergy fuel sources to assist in the development of new energy technologies and improve existing energy efficiencies, through the Department of Energy's Energy Efficiency and Renewable Energy, Biomass Account. The overall goal of this project is to decrease U.S. dependence on imported energy through the creation of renweable fuel sources, and is coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel.

TRIBUTE TO MRS. ANGELA E. RANDALL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SERRANO. Madam Speaker, in recognition of Black History Month 2009, I rise to honor a woman of great stature in our community, Mrs. Angela E. Randall. For nearly sixty years Mrs. Randall has called the South Bronx home; most of that time, thirty-seven years to be precise, she spent in the service of young people. Thousands knew her growing up as a caregiver, a mentor, an educator, and a role model. She has touched the lives of so many that if we knew nothing else about her besides her deep and lasting commitment to our children, it would be enough to know that this is a woman of exceptional character. But we are fortunate to know much more about her than that: a community activist in the truest and noblest sense, Angela Randall has spent a lifetime trying to make this community strong from the ground up, and for that she deserves to be commended.

Angela E. Randall was born in 1928 in New Orleans, Louisiana. She received a Bachelor's Degree from Southern University in Baton Rouge and a Master's Degree from Teacher's College at Columbia University. Academically gifted and not content to stop there, Mrs. Randall further advanced her education at the New School for Social Research and later at Lehman College, where she studied Social Organization and Management. Then in 1968, after working as an Assistant Actuary at Teacher's Retirement System, Mrs. Randall took a position for which she is perhaps best known in the South Bronx: Program Director of the Hunts Point Multi-Service Center, Inc., directing the robust Family Day Care Program. She was the first person to hold this position, and it was there that over the next thirty-seven years Mrs. Randall provided quality, affordable day care to thousands of children in the Bronx, as well as created jobs for hundreds of women in the community by training them to become licensed caregivers.

Mrs. Randall's work with children and mothers is but one aspect of an exceptionally active, well-rounded life. She has belonged to the same place of worship for over a half century, St. Anselm's Catholic Church in the Bronx. There she serves as a Eucharistic Minister and Lecturer, and is also a member of the Parish Council. In addition, Mrs. Randall is Chairperson of the Lincoln Medical and Mental Health Center Auxiliary Board, which she joined in 1976, and acts as Secretary of the Lincoln Hospital Community Advisory Board. She belongs to a number of professional associations including: the Bronx Chapter of the NAACP, the National Council of Negro Women, and is a past Vice President of the Downtown Bronx Democratic Club. Moreover, she has also been the recipient of numerous awards over the years. In 1972 she received the First Puerto Rican Conference Award in recognition of her work with youth, day care, housing and seniors; in 1984 she received the New York State Outstanding Achievement Award from the Bronx Life Members Guild; in 1992 an apartment building on Trinity Avenue in the Bronx was named in her honor the Angela Randall Apartments; and in 2003 she was named Woman of the Year by Lincoln Hospital, just to name a few.

Madam Speaker, Angela Randall owns a full and deeply impactful life. Her compassion and love for young people is known by many, and her influence stretches further than can be measured. For example, how many children did she help to raise and nurture over the past three decades? How many young minds did she help to enrich at a critical stage of development? And more: where are these young people now as a result of her efforts? How many have gone on to become fathers and mothers, find gainful employment, or otherwise assume positions of leadership and responsibility? Angela Randall is someone whose reach has long exceeded her grasp, and because we know her to be a person of integrity, empathy, and faith, we also know that all those whose lives she has touched have been warmed by her spirit, and benefited from her wisdom. Madam Speaker, I ask that my colleagues join me in recognizing a model citizen, and a living testament to selfless devotion to others, Mrs. Angela E. Randall.

TRIBUTE TO MONTFORD POINT MARINES

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to pay tribute to the Montford Point Marines, the first black Marines.

As Marines, they fought the enemy, integrated the Armed Services and changed their country. On the land and on the sea, the Marines have led the way. At home, the fight was within the Corps, however, the Barriers soon fell because of a few good men.

Today's generation of Marines serve in a fully integrated Corps where one-fifth of the strength of the Corps are African Americans. African-American officers, noncommissioned officers, and privates are spread throughout the Corps and their service often escapes special notice.

The fact that there was a time when there were no Blacks allowed in the Marines should not be overlooked.

At the urging of his wife, Eleanor, and threats by civil rights activist, A. Philip Randolph with a march on Washington, President Franklin Delano Roosevelt signed Executive Order 8802 establishing the Fair Employment Practice Commission. The commission prohibited racial discrimination by any government agency.

With the stroke of his pen on June 25, 1941, President Roosevelt's Executive Order allowed Blacks to serve as Marines and marked the beginning of the end of officially sanctioned segregation in America.

On August 26, 1942 Howard P. Perry of Charlotte, North Carolina was the first African-American recruit to arrive at Montford Point. From August 1942 throughout the end of World War II, 20,000 black men were trained at Montford Point and inducted into the Marine Corps.

Although black troops were trained to be Marines they were kept separate from the white troops. Even after they were shipped off to battle zones, they still served in exclusively all black units. African-Americans continued to serve in segregated units until the Fall of 1949 when an executive order from President Harry S. Truman established a policy of full integration.

That same year, the first African American women, Annie E. Graham of Detroit, Michigan, Ann E. Lamb of New York City, and Annie L. Grimes of Chicago, Illinois, enlisted into the Marines, respectively.

Madam Speaker, today I rise today to pay tribute to some of America's unsung heroes. To all of the Annie Grahams, Ann Lambs, Annie Grimes, Edgar Huffs, Frederick Branchs, Gilbert "Hashmark" Johnsons, James Ferrens, Frank Petersens, and Thomas McPhatters of this world, I say Thank you.

Thank you for your service to our country and we will never forget your sacrifice.

HONORING HARALSON COUNTY COMMISSION CHAIR ALLEN POOLE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community.

Today, I rise to honor Allen Poole of Buchanan, Georgia in Haralson County. Allen Poole has selflessly served his community and the State of Georgia throughout his life. For more than 18 years, Allen Poole served and protected his community as a Georgia State Patrol Officer. While with the Georgia State Patrol, Allen was assigned to the Honor Guard and also served on special security details for governors and presidential nominees.

After retiring from the State Patrol, Allen became the first African American ever elected to the Haralson County Board of Commissioners, where he has been appointed Chairman. Currently serving his second term as Commission Chair, Allen continues to work to improve his community while serving as a wonderful example of a dedicated public servant.

Madam Speaker, I ask that my colleagues join me in thanking Chairman Allen Poole for his leadership and service to the people of Haralson County and his commitment to the betterment of his community.

TRIBUTE TO MASON COUNTY SCHOOL DISTRICT SUPERINTENDENT TIM MOORE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to congratulate one of my constituents, Mason County School District Superintendent Tim Moore of Maysville, Kentucky. On January 31st, Superintendent Moore received the F.L. Dupree Outstanding Superintendent Award from the Kentucky School Board Association.

The Dupree Award was created by Kentucky School Board Association and the family of the late F. L. Dupree, Jr., who was a member of the former London Independent Board of Education and a lifelong supporter and promoter of public education in Kentucky.

Superintendent Moore was chosen to receive the Dupree Award for his outstanding service to Kentucky's youth and to the communities of Mason County. Since becoming Superintendent in 1997, he has helped the school district improve its academic rankings, and meet all the goals outlined by the No Child Left Behind program. Additionally, he has fostered better relationships between students, faculty, parents and staff and helped the district rebound from debt by bringing the general fund balance up to $4 million.

Last year, former U.S. Secretary of Education Margaret Spellings and I traveled to the Mason County School District to learn about the innovative ways Superintendent Moore has dealt with the challenges faced by rural schools. During the visit, Superintendent Moore helped lead roundtable discussions with the Secretary, teachers, students and parents to discuss the local impact of federal education law in Kentucky and the improvements that can be made. Secretary Spellings and I were very impressed with Superintendent Moore's commitment to the students and to improving the learning environment in Mason County.

Superintendent Moore has inspired countless children and has been an exceptional leader in the Fourth District.

Madam Speaker, I ask you to join me in commending Superintendent Tim Moore for his achievements.

INTRODUCTION OF THE GREEN STREETS ACT OF 2009

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to introduce the Green Streets Act of 2009. Cities and States across the country are having a hard time affording the asphalt needed to repair their crumbling streets due to increasing cost of asphalt. This increase in the cost has been caused by many refineries forgoing asphalt production to instead produce more profitable products. As a result, communities in my district and across the country are postponing roadwork until transportation departments can better allocate funds without breaking their budgets.

To provide cash strapped cities and States the much need break in asphalt costs, I have introduced the Green Streets Act, which would promote the research of alternative asphalt binders made from biomass. In my home State of Missouri there is a company that is researching the use of swine manure to replace petroleum as an asphalt binder.

Not only could this potentially cut street repair costs for communities across the country, but would also reduce our greenhouse gas emissions by reducing the amount of biomass left to give off carbon dioxide. I urge my colleagues to join me in supporting the Green Streets Act of 2009.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the nine earmarks I secured as part of H.R. 1105, Omnibus Appropriations Act, 2009. H.R. 1105 is a compilation of nine regular non-security related Fiscal Year 2009 appropriations bills that are each separated into their own divisions.

In Division B, covering the Department of Justice, the Office of the Sheriff in Stephenson County, Illinois will receive $225,000 under the Community Oriented Policing Services Law Enforcement Technology account to place forward-looking infrared (FLIR) equipment on their Bell OH58 police helicopter for use throughout northern Illinois. The Office of the Sheriff of Stephenson County is located at 15 North Galena Avenue in Freeport, Illinois, 61032. Mr. David Snyders is the Sheriff of Stephenson County. The purpose of this funding is to assist Stephenson County with their search capabilities. The FLIR mounts under the helicopter and combines a highly sensitive digital thermal imaging camera with a color video camera inside a single housing. With this unit, the Sheriff's Office of Stephenson County will be able to locate missing persons or felons attempting to hide by their heat signature, regardless of time of day or weather conditions. The helicopter is available at no cost to any local, state, or federal law enforcement agency in northern Illinois, in addition to local fire departments. The Stephenson County Sheriff's Office is a member of the Illinois Law Enforcement Alarm System (ILEAS) in Region 2, which is comprised of 18 counties making it the largest ILEAS region in the state covering a widely dispersed population in rural Illinois.

In Division C, covering the Army Corps of Engineers, the City of Rockford, Illinois will receive $526,000 under the Corps' Investigations account, to continue to conduct the Keith Creek Flood Control feasibility study for the Alpine Dam in the City of Rockford, Illinois in partnership with the Army Corps of Engineers. The Office of the City of Rockford, Illinois is located at 425 East State Street in Rockford, Illinois, 61104. Mr. James Ryan is the City Administrator of Rockford, Illinois. Currently, the Alpine Dam does not provide reliable flood protection and is at risk of failure, threatening 11,000 residents and businesses along Keith Creek in Rockford, Illinois. The study is necessary for the Army Corps of Engineers of Rock Island District to determine the cost and environmental impact of remedying the threat posed by the Alpine Dam. This was a joint request with Senator RICHARD DURBIN.

In Division D, covering the Small Business Administration (SBA), the Chicago/Rockford International Airport will receive $300,000 from the SBA account to support the operations of a Manufacturing Research and Development/Education Center in partnership with Embry-Riddle Aeronautical University, Northern Illinois University (NIU), Rock Valley College (RVC), and other small business incubator programs in the community. The Greater Rockford Airport Authority is located at 60 Airport Drive in Rockford, Illinois, 61109. Mr. Bob O'Brien is the Executive Director of the Rockford Airport. The center will house classrooms as well as R&D facilities for local small businesses. The new center will support the development of new aerospace small business in the region and host a number of new aerospace related manufacturing companies at a small business incubator. The center will also

provide training for the workforce required in these new endeavors.

In Division E, covering the Environmental Protection Agency (EPA), the Village of Mt. Morris will receive $500,000 from the State and Tribal Assistance Grants (STAG) Water and Wastewater Infrastructure Project account. The Village of Mt. Morris is located at 105 West Lincoln Street in Mt. Morris, Illinois, 60154. The Honorable Gregory Unger is the Village President of Mt. Morris. The Village of Mt. Morris is planning to design and build a new wastewater treatment plant that will replace the current facility, which is approximately 125 years old. The Illinois EPA has also imposed new operating requirements that will not be met by the current physical condition of the present system. The total estimated cost of the new system to meet 50 year growth projections is approximately $7.5 million. Federal funding is a critical component of the funding package needed to help get this project designed, and moving forward to construction.

In Division F, covering the Departments of Education and Health and Human Services (HHS), I secured three separate earmarks. First, under the Higher Education account, Rockford College will receive $238,000 to equip classrooms and science laboratories with technology to significantly enhance student learning. Rockford College is located at 5050 East State Street in Rockford, Illinois, 61108. Mr. John McNamara is the Vice President of College Development. Federal funding is critical to help upgrade nine antiquated classrooms and two laboratories at Rockford College and convert them to modern smart learning centers. This is a joint request with Senator RICHARD DURBIN.

Second, under the Health Resources and Services Administration account, the Crusader Clinic in Rockford, Illinois, will receive $238,000 to help fund a new electronic health records (EHR) system. The Crusader Clinic is located at 1200 West State Street in Rockford, Illinois 61102. Mr. Gordon Eggers, Jr., is the President and CEO. The Crusader Clinic is a community health center that serves multiple counties in northern Illinois and provides care to over 40,000 low-income, uninsured, and underinsured patients annually in the region. Because of the growing patient caseload and new federal requirements, this community health clinic now has a great need to implement an EHR system throughout their clinics at an estimated cost of $1 million. This funding will help improve the delivery of medical care to those who would otherwise use the emergency room at local hospitals. This is also a joint request with Senator RICHARD DURBIN.

Third, also under the Health Resources and Services Administration account, the University of Illinois' College of Medicine in Rockford, Illinois will receive $238,000 to help build the National Center for Rural Health Professions. The Rockford campus is located at 1601 Parkview Avenue in Rockford, Illinois, 61107. Dr. Martin Lipsky is the Dean of the Rockford campus of the U of I College of Medicine. The Center will conduct research, develop curricula, implement and evaluate rural medical and health care education models, provide consultation to other medical colleges, and study trends in rural health related to health professional training needs. Medical colleges throughout the U.S. can use the research findings and curriculum models to implement training for rural health professionals to practice in medically under-served rural areas in their respective states. The College of Medicine has raised $4 million in private funds toward this $32 million expansion project. Another $14 million has been committed by the University of Illinois, and the university is also seeking state funding to complete the project.

In Division I, covering the Departments of Housing and Urban Development (HUD) and Transportation, I secured two separate earmarks. First, under the Economic Development Initiatives account at HUD, the City of Freeport, Illinois will receive $237,500 for various public infrastructure improvements. The City of Freeport is located at 230 West Stephenson Street in Freeport, Illinois, 61032. The Honorable George Gaulrapp is the Mayor of Freeport. Freeport wants to make improvements to public infrastructure in the downtown area to promote and support expansion of manufacturing facilities. The funds would be used for a variety of infrastructure improvements, including replacing a water main, upgrading and ''undergrounding'' above-ground power lines, and various roadway and streetscape upgrades in downtown Freeport to make it a more attractive place to live and work.

Second, McHenry County, Illinois will receive $570,000 under the Transportation, Community, and System Preservation account to widen Rakow Road. The County of McHenry is located at 2200 Seminary Avenue in Woodstock, Illinois. Mr. Peter Austin is the County Administrator of McHenry County. This road project will help relieve traffic congestion and improve safety by increasing capacity to Rakow Road from Ackman Road to Illinois Route 31 by adding two or three through lanes in each direction and adequate turn lanes at the intersections. In 2004 and 2005, there were 566 accidents (71 percent were rear-end collisions) and 171 injuries at this three mile stretch of highway that desperately needs improvement. This request also begins to implement the $5.72 million authorization for this project that I secured as part of the 2005 Surface Transportation Reauthorization Act (Public Law 109–59).

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the respective leadership of the six Appropriations subcommittees for working with me in a bipartisan manner to include these nine requests in this spending bill. I also want to thank Senator RICHARD DURBIN, the senior Senator from Illinois, for joining with me on three of these requests.

RECOGNIZING THE THIRD ANNUAL CESAR CHAVEZ MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KILDEE. Madam Speaker, I rise today to recognize the 22nd anniversary of the naming of Chavez Drive in my hometown of Flint, Michigan. To honor this occasion, and to celebrate the 82nd anniversary of Cesar Chavez's birthday, the Hispanic Latino Collaborative of Genesee County is sponsoring a Citizens March on March 28th along Chavez Drive. The march will be followed by a reception and luncheon on the campus of the University of Michigan-Flint.

After his family lost their farm during the Great Depression, Cesar Chavez spent his childhood as a migrant worker following the crops across the Southwest. After serving in the Unites States Navy during World War II, Cesar returned to farm work and began his lifelong quest to bring justice, equality and dignity to migrant workers throughout our Nation. He adopted the nonviolent philosophy of Gandhi and founded the United Farm Workers of America. In the face of formidable odds he persevered and after a 5 year struggle against California grape growers, Cesar Chavez won the first union contract for migrant workers and brought about respect for the workers toiling in our fields.

The Presidential Medal of Freedom is awarded to persons that have served democracy and advanced the universal interests of humanity. The list of recipients is an honor roll of individuals that have struggled against adversity for the common good. In 1994, as he posthumously awarded the Presidential Medal of Freedom to Cesar Chavez, President Clinton said, ''He was for his own people a Moses figure.'' Cesar Chavez exemplified compassion, dedication and advocacy for farm workers everywhere. He passed away 1 year earlier leaving our world better than he found it.

Madam Speaker, Flint Michigan was the first community in our Nation to honor this great humanitarian by naming a street after Cesar Chavez. I ask the House of Representatives to join me in congratulating the Hispanic Latino Collaborative for honoring the memory of Cesar Chavez and his legacy to the American people.

NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. WOOLSEY. Madam Speaker, I rise today during National Peace Corps week to honor the immeasurable contributions of the more than 195,000 Americans who have volunteered to serve in 139 countries in the cause of peace since 1961. Through mutual respect and understanding, these men and women have committed themselves to improving our country's relationships with the rest of the world, and I applaud their dedication to communities around the globe.

When President John F. Kennedy created the Peace Corps 48 years ago, he set out to provide ordinary men and women with an opportunity to strengthen developing countries devastated by the effects of poverty, disease, and war. Volunteers have come from all walks of life, some with years of experience and some just out of college.

Peace Corps volunteers have mobilized to combat some of the world's most urgent humanitarian crises, including providing crucial assistance to communities in need of post-conflict relief and reconstruction as well as countries overwhelmed by natural disasters. These men and women have helped economically depressed communities develop new

business plans, struggling farmers improve their crop production, and families devastated by HIV/AIDS receive the care they need.

Currently, volunteers are serving in 76 countries, providing development assistance while fostering new bonds of friendship and seeking common ways to address global challenges. Over 400 men and women have volunteered from California's Sixth District, including the following current volunteers: Samantha Atkins, Gail Bachman, Tracey Bloch, Jamie Bowen, Catherine Carlton, John Cervetto, Rebecca Como, Jed D'Abravanel, Fionah Dominis, Jillian Geissler, Emilie Greenhalgh Stam, Daniel Grinnell, Alexis Guild, James Gurney, Amy Howland, Larissa Hsia-Wong, David Hughes, Frank Lester, Ryan Loughlin, Alissa Mayer, Reid Miller, Ryan Reichert, NurAliyya Shelley, Robin Smith, Jessica Souza, and Jessica Wright.

Madam Speaker, the 48th anniversary of the establishment of the Peace Corps is an achievement that we should all commemorate. I celebrate the leadership and accomplishments of these compassionate Americans who have committed themselves to promoting global peace, diplomacy, and understanding.

FEMA INDEPENDENCE ACT OF 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. OBERSTAR. Madam Speaker, I am proud today to introduce H.R. 1174, the ''FEMA Independence Act of 2009'', a bill to re-establish the Federal Emergency Management Agency (''FEMA'') as an independent, cabinet-level agency reporting directly to the President.

This bill restores FEMA's ability to be a nimble and effective response agency, re-instates FEMA's role in building basic emergency management capability around the country, and removes FEMA from the large bureaucracy within the Department of Homeland Security (''DHS'') that has hindered the agency's disaster response and recovery efforts for six years.

On March 1, 2003, President Bush delegated to the Secretary of the Department of Homeland Security the responsibility for administering the Federal Government's assistance to States and local governments whose citizens and communities are affected by disasters, and subsumed the Federal Emergency Management Agency into the newly-created Department of Homeland Security.

Since 2003, FEMA has failed the American people. Hurricane Katrina remains foremost in our minds. It is shameful that, to this day, many citizens and communities in Louisiana have still not recovered from the disaster. Beyond Hurricane Katrina, FEMA's performance has continued to be deficient, such as in the agency's inadequate response to the discovery of formaldehyde in FEMA trailers, a serious threat to public health. More recently, residents in Texas experienced significant shortcomings in the delivery of recovery assistance, including debris removal and housing, in the aftermath of Hurricane Ike. Today, the Subcommittee on Economic Development, Emergency Management, and Public Buildings is holding yet another hearing on the status of recovery efforts in Louisiana, Mississippi, and Texas from these hurricanes. The fact that there are still individuals and communities in need demonstrates that dramatic improvements that can and must be made to the Federal government's provision of disaster assistance and leadership in emergency management.

Oversight hearings since 2003 held by the Committee on Transportation and Infrastructure have shown a clear correlation between the absorption of FEMA into DHS and the deterioration of FEMA's effectiveness. One reason for this trend it that since becoming a part of DHS, FEMA's emergency management mission has been distorted by a focus on terrorism. Key Federal grant programs that previously helped build basic emergency management and fire fighting capability in communities around the country are now made available only if applicants can show a nexus to terrorism. In the last six years, the Federal Government has spent ten times more on terrorism preparedness (nearly $15 billion) than on core emergency management preparedness ($1.5 billion). Yet since 2000, the President has declared only two disasters because of terrorist attacks, but nearly 500 disasters due to natural hazards.

Further, quick decision-making and the flexibility to shift course as events change are two fundamental hallmarks of successful emergency management. Within DHS, FEMA officials have had to run all decisions through the Secretary of Homeland Security. FEMA has also had to work through the Secretary to access non-FEMA Federal resources in a response effort. These additional layers, which did not exist when FEMA was an independent agency, cause delays, impact the speed and flexibility of services that are provided to citizens and communities, and add unnecessary obstacles following a disaster. Being subsumed in a DHS bureaucracy has impaired FEMA's ability to carry out its mission quickly and effectively.

Since 2003, DHS has centralized disaster response and recovery capabilities at the Federal level, which has shut out FEMA's partnerships with State and local governments, and undermined the emergency management system. DHS has also created separate functions under the direct control of the Secretary to perform functions that by law are the sole responsibility of FEMA, such as pre-designation of individuals to serve as Principal Federal Officials (''PFOs'') for disasters during the 2008 Hurricane season. Since its incorporation into DHS, FEMA has also had to rely increasingly on support from contractors, due to a loss of experienced FEMA personnel and a reduction of emergency management capacity at the State and local level as the focus of emergency management grant funding has shifted to terrorism-preparedness programs.

For these reasons, I have long opposed the incorporation of FEMA into DHS. During House consideration of the Homeland Security Act of 2002, I said:

This is July 2002. Let us fast forward to July 2003. The majority has prevailed. FEMA is a box in the mammoth bureaucracy of the Department of Homeland Security. Flood waters are swirling around your city. You call for help. You get the Department of Homeland Security. The switchboard sends your call to the Under Secretary's office which looks up ''disaster'' on their organizational chart and sends you to the Congressional Liaison Office, which then promises to get a message back to you in 24 hours. Eventually, they find FEMA, by which time you are stranded on the roof of your house waving a white handkerchief and screaming for help. FEMA, the word comes back, sorry, is looking for suspected terrorists some place and will get back to you as soon as we can.

Unfortunately, we have seen these predictions come true. Unless FEMA is re-established as an independent, cabinet-level agency, I expect this history to repeat itself.

After Hurricanes Katrina and Rita, Congress enacted changes to try to fix the problems plaguing FEMA by enhancing the agency's authority within the Department of Homeland Security. Unfortunately, these changes have done little to restore the type of robust emergency management agency that is needed at the Federal level. Tinkering around the edges will not work; fixing this flawed system requires fundamental change. This bill takes the most important and necessary first step to fix the problem—re-instating FEMA as an independent agency.

Specifically, H.R. 1174 affirms FEMA's mission to reduce the loss of life and property and protect the United States from all hazards, by leading and supporting a comprehensive emergency management system of preparedness, response, recovery, and mitigation.

As prescribed by the bill, an independent FEMA will be led by an Administrator and a Deputy Administrator with extensive experience in emergency preparedness, response, recovery, and mitigation from hazards. The bill maintains and strengthens FEMA's regional structure of ten regional offices and three area offices. Each regional office will be lead by a Regional Administrator with a demonstrated ability in and knowledge of emergency management.

The bill provides for the transfer of core emergency management programs and functions to the newly independent FEMA, including: FEMA's disaster assistance programs authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act; the National Flood Insurance Program; the Earthquake Hazards Reduction Program; the National Dam Safety Program; the U.S. Fire Administration; the Emergency Food and Shelter Program; and FEMA's programs for Continuity of Operations and Continuity of Government.

The bill does not transfer any grant programs, currently administered by FEMA, that are specific to terrorism, such as the Urban Area Security Initiative and the State Homeland Security Grant Program. This will ensure that the Department of Homeland Security will continue to lead our Nation's efforts to prevent and protect against terrorist incidents and attacks.

The bill further requires the FEMA Administrator to maintain the National Advisory Council and to retain a Disability Coordinator within the newly-established entity; continues the authorization of the National Integration Center within FEMA; and ensures that FEMA will proceed on the development of standards for credentialing and typing in collaboration with the administrators of the Emergency Management Assistance Compact and other State, local, and tribal entities. Each of these activities is currently authorized and being implemented by FEMA.

The transfer of all functions relegated to FEMA by the bill must be completed within 120 days of enactment of the bill.

This matter is far too important, and impacts directly the lives of too many of our nation's citizens, to delay any further. We must act quickly to restore FEMA's autonomy and effectiveness.

I urge my colleagues to join me in supporting H.R. 1174, the ''FEMA Independence Act of 2009''.

CONGRATULATIONS TO RON HULL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my hearty congratulations to Ron Hull on his reception of the Pioneer Award from the NEBRASKAland Foundation for his efforts to portray the spirit of Nebraska's heritage through his good works.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

Nothing sums up the spirit and values of Nebraska more than a person's willingness to reach out to friends, neighbors, and even strangers to help make our world a better place. Ron's dedication to tourism, historical leadership, and his career in public broadcasting is an inspiration.

I thank Ron for his dedication and his service.

PRIMARY CARE VOLUNTEER INCENTIVE ACT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. CASTOR of Florida. Madam Speaker, America is facing a troubling physician shortage. It is estimated that the U.S. could be short 200,000 physicians by next year, while the number of patients is expected to increase by 24 percent. Furthermore, most medical school students incur more than $100,000 in student debt and primary care doctors are becoming scarce. New physicians are entering more lucrative specialties that better assist in their student debt payoff.

To join efforts that are underway across the country to address health care workforce shortages, today I will introduce the Primary Care Volunteer Incentive Act. This legislation will create a volunteer program for primary care physicians that will allow them to receive medical school loan repayment for their dedication to a community health center with high needs.

The Primary Care Volunteer Incentive Act will implement a program for doctors who specialize in family medicine, general pediatrics and general internal medicine. This program will request a five year volunteer commitment that will help doctors to develop a strong and longstanding relationship with their patients and communities. The program will build on the current National Health Service Corps program by allowing doctors to volunteer only part-time at a community health center in an area with a large primary care physician shortage.

This legislation is a vital step in closing the gaps that exist for medically disenfranchised Americans. Fifty-two percent of uninsured Americans do not have a primary care provider and at least two in five residents in Alabama, Alaska, Florida, Kansas, Mississippi, Missouri, Oregon, South Carolina and Utah have inadequate access to routine health services. We know that lack of access to a primary care provider means that patients are not receiving preventive care, which helps people to lead healthier lives and keeps them out of emergency rooms for preventable and manageable conditions.

Too many of our neighbors are without basic care. Ensuring access and affordable health care should be our top priority. I have seen first hand the positive impact that access to community health care has given my district in the Tampa Bay area, and today my bill will help to see that communities will not continue to suffer losses in primary care providers that cannot be afforded.

INTRODUCTION OF THE PART-TIME FEDERAL EMPLOYEES EQUITY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce legislation that will correct an inequity in the computation of retirement annuities for some federal employees. The Part-Time Federal Employees Equity Act is intended to help support the federal government's ability to retain current employees in the face of the oncoming wave of retirement that will hit the federal workforce in less than a decade.

I am proud to represent more than 98,000 Virginians who have served our country within the ranks of the federal civil service. Protecting the quality of life of these beneficiaries and ensuring the future strength of the federal retirement system are two of the most important issues to my district. It is essential that Congress support efforts that maintain the integrity, quality and vitality of the federal workforce.

It has been well documented that over the next ten years, the federal workforce will undergo significant demographic changes that threaten the federal government's strength and effectiveness. As the baby-boom generation, which makes up a disproportionately large part of the overall workforce, nears retirement age, federal agencies will face a crisis in manpower, especially within its senior executives and management ranks. Information from OPM shows that approximately ''60 percent of the government's 1.6 million white-collar employees and 90 percent of about 6,000 Federal executives will be eligible for retirement within the next ten years.''

This likely wave of retirement threatens to drain the federal workforce of its most experienced and talented employees at a pace that will be difficult to replace with a well-qualified, trained workforce. Congress, in coordination with the Executive Branch, must develop an overall strategy with specific policy solutions so that the potential ''brain drain'' doesn't threaten the efficient delivery of government services.

One leading factor that influences the retention of senior personnel is the retirement package offered by the federal government. As currently structured, the federal retirement system for some workers actually penalizes employees that wish to extend their careers by working part-time. As the federal workforce faces the prospect of losing an unprecedented number of employees over the next 10 years, many of the anticipated shortages can be met with part-time employees. One of the greatest impediments to allowing part-time work are disincentives and restrictions imposed by the federal pension system.

I have introduced the Part-Time Federal Employees Equity Act to address the annuity computations of federal employees retiring under the Civil Servant Retirement System (CSRS). I believe that this legislation can serve the dual purpose of correcting a longstanding inequity for retiring federal employees, as well as offering employees nearing retirement the option for continued part-time service without negatively impacting their retirement benefits.

Over 10 years ago, the 100th Congress included a provision in the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 (P.L. 99–272) that amended the civil service retirement law for federal workers with part-time service. Section 15204 prevented part-time employees from being credited with the same number of years of service as those who worked full-time over the same period. Before the law's passage, an individual who had worked part-time for most of his or her career could switch to full-time work the last three years of his or her career and receive the same retirement benefits as someone who worked full-time throughout the same period.

As the Subcommittee knows, federal annuities are calculated by multiplying the average three highest continuous years of salary, times years of service, by an accrual rate. The new methodology determines the proportion of a full-time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time salary is calculated on a full-time equivalent basis (FTE) for retirement purposes. Thus, a worker's ''high-three salary'' could occur during a period of part-time service. This often happens when a senior-level worker cuts back on his or her hours. The disproportionate share of these workers appears to be women, who leave the federal service to care for others.

The problem with the new formula is that it has negative consequences for workers hired before 1986. First, it fails to provide the accrued full year of credit for each year of part-time service of workers who, before 1986, had completed part-time service for which they had understood they would receive full-time credit. Second, the formula can have a negative impact on retirees' annuity if the computation of the ''high-three salary'' occurs during part-time service. Specifically, the formula incorrectly minimizes full-time employment before 1986, which hurts agencies' ability to retain experienced federal workers by offering part-time employment. Finally, this complex formula can lead to computational errors involving annuities with part-time service. There are possibly

thousands of civil servants who are eligible under CSRS that may be impacted by the inequity in this law.

My legislative proposal will restore full credit for part-time work performed before 1986, eliminate the adverse effect of part-time service performed late in an employee's career, and provide a simplified annuity computation in cases involving part-time service. Though it is important to eliminate the inequity for future retirees, it is perhaps more important to tear down the artificial barrier to part-time service at the end of an employee's career.

Madam Speaker, I believe that this proposal will correct a long-standing obstacle to part-time service and may help agencies retain qualified federal employees nearing retirement for part-time service.

CELEBRATING THE 50TH ANNIVERSARY OF MR. AND MRS. LARSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. and Mrs. John Philip Larson on the celebration of their 50th wedding anniversary. Phil and Joyce Larson were married 50 years ago on March 21, 1959 in Kingsburg, California. They raised two children and have three grandchildren.

Phil Larson was born on September 5, 1933 in San Francisco, California. His parents moved to the Central Valley where he was raised in the beautiful Fresno County countryside near the town of Kerman, California. Phil graduated a proud Kerman High School Lion in 1951. He joined the U.S. Marine Corps in 1953 and was deployed to Korea on December 22, 1953. In 1956, he was honorably discharged from the U.S. Marine Corps and remained in the U.S.M.C. Reserves until 1961. After serving his country, Phil returned to the family farm. While continuing to farm with his father, he joined the Wilbur-Ellis Company in 1963, and after 38 years he retired in 2000. In 2001, Phil won the seat for District 1 Fresno County Board of Supervisors. Now serving his second term, he is a very influential leader for San Joaquin Valley agriculture. Phil is a true and exemplary public servant to his constituents and the Central Valley.

Joyce Larson was born on May 16, 1935 in the ''Raisin Capital of the World,'' Selma, California. She grew up in the nearby town of Parlier. Joyce graduated a proud Selma Bear in June 1953. She attended California State University, Fresno and graduated in 1957 with a Bachelor's Degree in Home Economics. She taught Home Economics in Fresno at Roosevelt High School between the years of 1957 and 1962 and then taught another year at McLane High School. After raising her children she spent 13 years at Tranquility High School as a Special Education teacher. Joyce also received her Master's Degree in Special Education from Fresno Pacific University in 1994. She retired in 2000.

Phil and Joyce met through their church, which has been a foundation for their love and family. Phil proposed to Joyce in August of 1958 and they were joined in marriage on March 21, 1959. They have lived and raised their children near Kerman, California for the past 50 years. They were instrumental in the founding of the Kerman Covenant Church in 1970. The highlight of their marriage has been their two children, Timothy John and Lisa Renae, who have blessed them with three grandchildren, Lindsey Goodell, Tanner Torrano and Haylee Torrano.

Nothing has been more important than their sense of family and putting God first in their marriage. The love and respect Phil and Joyce have shared has been a tremendous example to everyone who has known them. They are highly esteemed in the communities where they have lived and served, helping many in need.

Congratulations again to Phil and Joyce Larson. Their story is reflective of the American Dream, working hard and playing by the rules to create better lives for themselves and their children. As a result, they have made their community, their church, and the Central Valley a better place to live for future generations.

RECOGNIZING WILLIAM R. KEITH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KILDEE. I rise today in remembrance of William Raymond Keith, who passed away on January 30, 2009. Bill was born in Jackson, MI on October 24, 1929 to Ruth Arlene Young and Raymond Joseph Keith. Bill graduated from Detroit's Wilbur High School in 1948 and the University of Michigan's School of Banking in 1963.

Bill served in the U.S. Army in Germany in 1950–51, singing vocals with the 82nd Army Band. Employed by Manufacturers National Bank for 19 years, he worked his way up from messenger to branch manager and bank officer. Bill was well respected and admired for his 22 years serving in the Michigan House of Representatives. He chaired the House Education, Colleges & Universities, and Banking and Finance Committees. He was a champion for public education, always fighting to enhance learning opportunities for children. His long years of service took him to many international locations including China, Japan, Korea, France and Germany. The German President awarded him the Officer's Cross of Merit (the highest honor that can be given to a non-German citizen). Bill has received numerous awards for his work in public service. In 1991, he was inducted into the Michigan Education Hall of Fame. During his retirement, he volunteered as a docent at the Michigan Capitol Building, enjoying sharing that beautiful treasure with schoolchildren from around the state.

Bill also loved music and singing. Starting in high school when he sang with the Don Large Chorus on WJR, performing with big bands in the Detroit area, and more recently singing with his wife Phyllis in their church choir, at nursing homes, senior residences and local events, Bill loved to revive classic songs of the 40's and 50's. Many people over the years were touched by his music. Bill had and amazing sense of humor, and was always waiting to greet you with a new joke. Most of all, he treasured his family, including his wife, kids, grand-kids and his dogs. He was a kind, generous and gentle man with a great strength of character and wisdom.

Bill is survived by his loving wife, Phyllis Keith, and his six children: Brian W. Keith of Lansing, MI; David R. Keith of DeLand, FL; April M. Keith of Lake Orion, MI; Betty Keith Pomerantz of Newbury Park, CA; Robyn S. Hubbard of Grand Rapids, MI; and Ryan E. Zaiser of Bloomingdale, GA. He is also survived by 10 grandchildren and 3 great-grandchildren.

Madam Speaker and colleagues, please join me in celebrating the life of William Raymond Keith—an accomplished legislator, great leader and endearing family man.

HONORING TONY BROWN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the accomplishments of Tony Brown as he receives the 2009 Cecil Scaife Visionary Award at the Musicians Hall of Fame in Nashville.

Simply stated, Tony Brown is a legend in the Nashville music business. As the driving force behind MCA Nashville, Tony has been instrumental in the success of country music superstars from George Strait and Reba McEntire to Wynonna Judd, Trisha Yearwood, Vince Gill and Brooks & Dunn. Tony Brown's efforts have helped artists such as these create what is in essence a soundtrack for America.

But the overwhelming success of these artists is only part of Tony Brown's legacy. He is equally respected for his efforts to broaden the definition of what country music can be by signing and nurturing artists who defy easy categorization. He helped create space in the music business for people like Steve Earle, Lyle Lovett, Rodney Crowell, Kelly Willis and other artists who challenge the boundaries of country music.

Madam Speaker, I ask my colleagues to join me in congratulating Tony Brown as he receives this distinguished award. Please join me in congratulating Tony for his efforts to ensure that Nashville, Tennessee will always be one of the musical and cultural treasures of our country.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Labor, Health and Human Services, and Education Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Education (DOE)—Arkansas City Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $120,000 for Arkansas City Public Schools, Arkansas City, KS for the purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive

funding for this project is Arkansas City Schools, Unified School District 470, at 2545 Greenway, Arkansas City, KS 67005.

This funding will help the schools reach their Five-Year Strategic Plan objective of developing career technology. It will provide additional computers and support hardware, including printers and storage devices, and facilitate a workplace environment to help students develop technology-based job skills concurrent with classroom learning objectives.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Coffeyville Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $167,000 for Coffeyville School District, Coffeyville, KS for purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Coffeyville School District at 615 Ellis, Coffeyville, KS 67337.

Coffeyville, KS was hit by severe flooding in July 2007, which has significantly impacted the finances of the region. This funding would assist USD 445 in providing access to technology for students who would otherwise be financially unable to do so.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Independence Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $238,000 for Independence Public Schools, Independence, KS for purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Independence Unified School District 446, at PO Drawer 487, 517 N 10th, Independence, KS 67301.

This funding will assist USD 446 in providing additional technology for language arts and mathematics teachers to use in their classrooms, and to train the teachers in the use of new and existing technology.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Valley Center Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $442,000 for Valley Center Public Schools, Independence, KS for curriculum development, to include the purchase of technology and equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Valley Center Public Schools at 132 S Park Ave., Valley Center, KS 67147.

This funding will assist USD 262 in developing on the job training and staff development, purchasing technological tools and resources for classroom use, and curriculum to use the technology in the classroom.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Coffeyville Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $213,000 for Winfield Public Schools, Winfield, KS for curriculum development, to include the purchase of technology and equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Winfield, Kansas, Public Schools, Unified School District 465 at 1407 Wheat Road, Winfield, KS 67156.

This funding will help facilitate a greater understanding of technology through training for middle and high school teachers, and allow for greater integration of technology in the classroom through curriculum development.

No matching funds are required for this Department of Education project.

Department of Health and Human Services (HHS)—Sedgwick County, KS: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $428,000 for Sedgwick County Government, Wichita, KS for prenatal education and outreach programs, in the Centers for Disease Control and Prevention (CDC) Account. The entity to receive funding for this project is Sedgwick County (KS) Government at 525 N. Main, Suite 243, Wichita, KS 67203.

The Sedgwick County Healthy Babies program utilizes evidence-based practices and innovative community-driven interventions (outreach, health education, case management, utilization of prenatal/postnatal care) to improve the quality of and access to health care for women and infants at both service and system levels. This funding will allow Sedgwick County Healthy Babies to continue its critical outreach programs.

No matching funds are required for this Department of Health and Human Services project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Agriculture—National Agriculture Biosecurity Center, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $259,000 for the National Agriculture Biosecurity Center, Kansas, in the Animal and Plant Health Inspection Service's Salaries and Expenses account. The entity to receive funding for this project is The Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to implement international linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, and to further develop a GIs-tracking system for pathogen monitoring.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Grain Sorghum, Kansas, Texas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $515,000 for Grain Sorghum, Kansas and Texas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand existing research and education programs, particularly in genetic improvement and sorghum utilization.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Water Conservation, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $69,000 for Water Conservation, Kansas in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 1 10 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to study ways to stop and reverse the depletion of the Ogallala Aquifer in Kansas.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Wheat Genetic Research, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $240,000 for Wheat Genetic Research, Kansas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

No matching funds are required for this Department of Agriculture project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105.

Water system improvements, City of Derby, Kansas: The Department of the Interior, Environment and Other Related Agencies Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $1,000,000 for the City of Derby, Water and Wastewater System Improvements. The entity to receive funding for this project is the City of Derby, 611 N. Mulberry, Derby, Kansas, 67037–3533.

The funds will be used to upgrade its municipal wastewater treatment plant in 2009. The Derby Wastewater Treatment Plant presently treats about 1.8 to 2.0 million gallons of wastewater per day. The sludge-handling portion of the treatment process is near its designed capacity, and the treatment plant master plan calls for adding sludge handling capacity. Design goals are to reduce staff hours necessary for the sludge handling process, improve efficiency and reliability, increase flexibility in plant operation, and reduce odors, while maintaining compliance to all regulatory requirements. The City of Derby will also use the funds to help extend the municipal sewer system in the Spring Creek watershed area in 2009.

The City of Derby will provide matching funds as required.

Law Enforcement Technology, City of Wichita, Kansas: The Fiscal Year 2009 Commerce, Justice, Science Appropriations Act found in H.R 1105 contains $1,675,000 for the Southern Kansas Multi-Jurisdictional SWAT. The entity to receive funding for this project is the City of Wellington, 110 East 10th Street, Wellington, KS 67152.

The funds will be used to procure a Pictometry Visual Intelligence Tool. Pictometry allows federal, state and local agencies to have a common tool to jointly manage emergencies. It captures every square foot of an area from as many as twelve directions. This system captures images that consist of orthogonal (straight down) images like ordinary aerial imaging and images that are oblique (taken from angles) so that features can be easily seen in their entirety. These images reveal the

front, back, and sides of objects of interest rather than just their tops. Within seconds, a law enforcement officer can literally view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device. Southern Kansas encompasses a large area of responsibility, and the police and sheriff's departments are low on manpower and equipment. Federal, state, and local agencies will have a common tool to jointly manage emergencies. The Southern Kansas Multi-Jurisdictional SWAT will administer the program for the four selected counties from the 4th Congressional District. The included counties are Cowley, Greenwood, Montgomery and Sumner.

No matching funds are required for this Department of Justice project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Energy and Water Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Interior—Wichita Project, Equus Beds Division: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $1,500,000 for the Wichita Project—Equus Beds Division in the Bureau of Reclamation Water and Related Resources Account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding would be used for funding the design on Phase II of the Equus Beds Aquifer Storage and Recovery project. The project involves taking excess flood water from the Little Arkansas River (called above base flow) and depositing that water into the underground aquifer through water supply wells. This project was authorized in 2006 (P.L. 109–299).

This project is authorized for 25% federal matching and will be matched by the city.

Department of Interior—El Dorado Lake, KS: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains $619,000 for El Dorado Lake, Kansas, in the Army Corps of Engineers' Operation and Maintenance Account. The entity to receive funding for this project is the United States Army Corps of Engineers, Tulsa District located at 1645 S. 101 East Ave., Tulsa, OK 74128.

The additional funds will be used to replace tainter gate stems, dam gate trash racks, seal concrete surfaces, and paint bridge steel. The additional funds will also be used to undertake repairs to project recreation areas that were damaged during the record floods of 2007.

No matching funds are required for this Army Corps of Engineers project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105:

I–235/US 54 and I–235/Central Ave Interchange, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $380,000 for funding for reconstruction of two interchanges on I–235, Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

This project will provide for preliminary engineering and right-of-way costs for the reconstruction of the Kellogg (US–54) and Central interchanges on I–235 in western Wichita. The project also involves PE for the reconstruction of the facility to expand it to 6 lanes between the interchanges, a distance of 1.5 miles. The project on I–235 is in the area of Wichita that is experiencing significant population and commercial growth.

The City of Wichita will provide matching funds as required.

Redesign and Reconstruction of I–235 and Kellogg Interchange, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $950,000 for the redesign and reconstruction of the interchange at I–235 and Kellogg in Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding used to redesign and make the necessary improvements to this interchange will improve the safety of those citizens traveling through the area and improve the traffic flow. The connection to highway I–235 from Kellogg or U.S. 54 is one of the most dangerous in the county. A shared entering and exiting merge lane onto Kellogg congests traffic as a result of its short length. The steep cover leaf curves to access and exit I–235 require a significant reduction in speed and prove to be especially treacherous when roads are wet, icy or snow-packed.

The City of Wichita will provide matching funds as required.

Advanced Materials Performance Research, National Institute for Aviation Research, Wichita State University, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $2,375,000 for facilities and equipment at the National Institute for Aviation Research at Wichita State University. The entity to receive funding for this project is Wichita State University, located at 1845 Fairmount St, Wichita, Kansas 67260.

The funding will be used to purchase new equipment, hire technical personnel, and conduct research in the areas of metallic and composite structures, crash worthiness, and aging aircraft effects. It will expand and enhance ongoing FAA research regarding flight safety at NIAR.

No matching funds are required for this Federal Aviation Administration project.

21st Street North Railroad Overpass (Broadway to I–135), Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $380,000 for the 21st Street Railroad Overpass, Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

Funding to create an elevated roadway overpass along 21st Street North from Broadway to I–135 in order to eliminate the lengthy vehicular traffic delays and vehicle entrapment issues associated with multiple at-grade rail crossings located along this segment of a busy east-west arterial city street. This project also connects the 21st Street Redevelopment District to the freeway system in Wichita.

The City of Wichita will provide matching funds as required.

Noise Abatement Along K96, I–235 and Meridian Avenue, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $237,500 for the Noise Abatement K96, on I–235 project, in Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding will be used to erect noise barriers that will lessen the adverse impact of excessive highway traffic noise in the Sherwood Glen and Meridian Gardens neighborhoods.

This project has $1.6 million in local matching funds.

National Institute for Aviation Research (NAIR) at Wichita State University, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains $950,000 for research at the National Institute for Aviation Research at Wichita State University. The entity to receive funding for this project is Wichita State University, located at 1845 Fairmount St, Wichita, Kansas 67260.

This funding will support research, technical personnel, facilities and equipment to investigate the implementation of child restraint systems for pre-school age children traveling in public transportation systems at Wichita State's National Institute for Aviation Research (NIAR) facility.

No matching funds are required for this Federal Aviation Administration project.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of HR 1105, the Omnibus spending bill for Fiscal Year 2009.

Requesting Member: Congressman FRED UPTON

1. Dredging of St. Joseph Harbor

Department: Army Corps of Engineers

Account: Operations & Maintenance

Legal Name of Requesting Entity: Berrien County, Michigan

Address of Requesting Entity: Berrien County Administration Center 701 Main St., St. Joseph, MI 49085

Description of Request: This request is for securing funds for dredging both the inner and outer harbor of St. Joseph, Michigan. The inner harbor is a key port for raw materials such as limestone, sand and gravel for state highways. Road and building construction projects in the area receive a majority of their aggregate materials through the three commercial docks located in this harbor. Additionally, it is a major hub for recreational boaters, with over 1,600 boat slips. This project has been authorized through many WRDA acts, is vital to the economic viability of Southwest Michigan, and has the support of the entire community. This project is consistent with the mission of the U.S. Army Corps of Engineers, and has been authorized through multiple WRDA Acts. Maintaining commerce in St. Joseph Harbor is vital to the economic well-being of Southwest Michigan.

Amount: $793,000

Financial Breakdown: The entirety of this funding will go towards Dredging to 21 feet in

the entrance and inner channel of the harbor and 18 feet in the inner river channel and turning basin. Supplemental funds will be provided by Berrien County and local municipalities.

2. Western Michigan University Geological Carbon Sequestration Research and Education Program

Department: Energy

Account: Office of Science Biological and Educational Research Account Legal Name of Requesting Entity: Western Michigan University Address of Requesting Entity: Michigan Avenue, Kalamazoo, MI 49008

Description of Request: This request is for MICHCARB, a Geological Carbon Sequestration Research and Education Program for Michigan. The program will develop partnerships with Michigan industry, energy utility companies and State and local governments to create and present educational and research programs to help government decision makers and industry leaders identify and evaluate local and regional potential for Geological Carbon Sequestration in deep Michigan geological formations. There is a national need to remain competitive in a global marketplace by motivating and training geosciences professionals skilled in the area of carbon sequestration. Our nation needs to explore all options to reduce our dependence on foreign sources of energy, and the work being done at the MGRRE is an important step toward that goal.

Amount: $618,475

Financial Breakdown: Faculty, post doctorate, student and professional staff, 36%; materials and supplies for public outreach and K–12 classrooms, 13.6%; travel for public outreach and K–12, 5%; research analytical services and supplies, 13.6%; piggyback drilling, analysis and testing in wells, 31.8%.

3. Benton Harbor Workforce Transformation Program

Department: Labor

Account: Employment and Training Administration Training and Employment Services

Legal Name of Requesting Entity: Michigan Works Benton Harbor, MI

Address of Requesting Entity: Michigan Works, 499 W. Main St., Benton Harbor, MI 49022

Description of Request: Michigan Works, a state-supported job recruitment and training organization, is starting a job-training program designed to work in tandem with the upcoming $500 million Harbor Shores mixed-use economic development project being undertaken by Benton Harbor. The basic workforce transformation program, which would be funded by the monies requested here, includes at least three core elements: basic skills training, including workforce literacy remediation; skills training for in-demand, high-growth occupations; and transitional job services. All activities will be based on proven programs administered by workforce training professionals as part of the region's existing and ongoing workforce development activities. All programs will be designed to reduce the unemployment rate, increase the local labor participation rate, increase job readiness, place people into jobs, and increase per capita income. These funds are consistent with the mission of the Employment and Training Administration. Benton Harbor, Michigan is the poorest city in one of the most economically challenged states in America. The magnitude of Benton Harbor's problems is stunning—a workforce with an average 6th grade literacy level and an 80% high school dropout rate by young males. In Benton Harbor 42% of the available workers are out of the workforce, a fact exacerbated by the lack of basic skills needed to maintain employment which has only served as a barrier to attract new employers into the area.

Amount: $381,000

Financial Breakdown: The majority of this funding (around 70%) will go to staffing services, stipends for program participants, as well as literacy remediation services. The remainder of the funding will be provided for training scholarships, community outreach, participant assessments and support services. Michigan Works will provide supplemental funds.

4. Kalamazoo Community Mental Health & Substance Abuse Services Nursing Distance Learning Initiative

Department: Health

Account: Health Resources and Services Administration—Health Facilities and Services

Legal Name of Requesting Entity: Kalamazoo Community Mental Health & Substance Abuse Services Address of Requesting Entity: 3299 Gull Rd., Kalamazoo, MI 49048

Description of Request: The Kalamazoo Community Mental Health and Substance Abuse Services agency will partner with Wayne State University's School of Nursing, the only nursing school in Michigan offering an Advanced Psychiatric and Community Public Health Nurse Practitioner degree program, to bring the opportunity through the use of distance learning technology for nurses in Kalamazoo and surrounding communities to participate in this three-year program right in their home communities, rather than have to travel all the way across the State to Detroit. The plan would provide scholarships to local nurses who wish to participate in exchange for a commitment to remain in and serve their Southwest Michigan communities. Southwest Michigan is a medically underserved area, with a shortage of nurses, and a particularly acute shortage of nurses with advanced training to meet community mental health needs. The Kalamazoo Community Mental Health and Substance Abuse Services Nursing Distance Learning proposal promises to be an innovative and successful way to address this pressing need.

Amount: $285,000

Financial Breakdown: The majority of funding for this project (around 60%) will go to nursing faculty, with supplemental funding going to polycom and video conferencing equipment, as well as scholarships for nursing students.

5. Kalamazoo/Battle Creek International Airport Terminal Improvement Project

Department: Transportation

Account: FAA—Airport Improvement Program

Legal Name of Requesting Entity: Kalamazoo Aeronautics Board of Trustees Address of Requesting Entity: 5235 Portage Road, Kalamazoo, MI 49002

Description of Request: Kalamazoo/Battle Creek International Airport is undergoing the initial planning and design phases for the construction of a new terminal building. The existing terminal, built in 1958, has undergone three expansion projects during its lifetime and is still over capacity and continues to grow. Expansion of terminal capacity and enplanement levels is critical for the airport to be able to continue to provide efficient service. Additionally, the new terminal will be a ''green'' building, and as such, will lower operating costs for businesses that utilize it. This request is consistent with the mission of the FAA's Airport Improvement Program. The terminal has been in the works for years, and will provide much needed economic development for Kalamazoo.

Amount: $1,615,000

Financial Breakdown: This funding will go toward costs associated with construction of the terminal, which is a project totaling $34,000,000. A portion of matching funds will be contributed by the Airport in the form of bonds; Airport capital; PFC funds; and State of Michigan funds.

6. Kalamazoo Metropolitan Transit Authority Facility Expansion

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: City of Kalamazoo

Address of Requesting Entity: 530 N. Rose St. Kalamazoo, MI 49007

Description of Request: The Kalamazoo Metro Transit Authority is undertaking a facility expansion to accommodate their consolidation of all mass transit in the county. The expanded facility will allow the new transit authority to more efficiently serve its riders. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: $950,000

Financial Breakdown: Proposal includes administrative office expansion and vehicle storage for countywide demand/response program currently offered by Kalamazoo Metro Transit. Kalamazoo is providing their required matching funds.

7. St. Joseph County Bus Replacement and Software Purchase

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: St. Joseph County Transportation Authority

Address of Requesting Entity: 810 Webber Avenue, St. Joseph, MI 49093

Description of Request: The St. Joseph County Transportation Authority is seeking to replace one medium-duty bus that has met its useful life and is in need of replacement. They will also use a small part of the request for the purchase of new routing software to improve the efficiency of scheduling and bus routing. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: $142,500

Financial Breakdown: Most of the money ($115,000) will be used to purchase one medium duty bus. The rest of the money will be used for upgraded routing software. St. Joseph County will be providing their required matching funds.

8. Van Buren County Bus Replacement and Routing Software Purchase

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: Van Buren County Public Transit

Address of Requesting Entity: 610 David Walton Dr., Bangor, MI 49079

Description of Request: The Van Buren County Transportation Authority is seeking to replace one medium-duty bus that has met its useful life and is in need of replacement. They will also use a small part of the request for the purchase of new routing software to improve the efficiency of scheduling and bus routing.

This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: $142,500

Financial Breakdown: Most of the money ($115,000) will be used to purchase one medium duty bus. The rest of the money will be used for upgraded routing software. Van Buren County will be providing their required matching funds.

9. Niles Dial-a-Ride Bus Acquisition

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: City of Niles

Address of Requesting Entity: 623 N. Second St., Niles, MI 49120

Description of Request: The City of Niles is seeking to purchase two medium-sized busses to accommodate a new route that will stop at all major retail centers between Niles, MI and South Bend, IN. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: $228,000

Financial Breakdown: The entirety of this money will be used to purchase two medium-sized busses. The city of Niles will be providing their required matching funds.

10. Apple Fire Blight

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Fire Blight is a major threat to Michigan's apple trees and has reduced apple acreage in Michigan by an astounding 24%. Michigan and New York researchers are taking aggressive measures against fire blight including development of blight-resistant varieties and new, environmentally responsible control strategies. Finding ways to control and curb fire blight is of critical importance to apple growers in my district and elsewhere. This research is very promising, and its results will help apple growers significantly increase their yields.

Amount: $346,000

Financial Breakdown: Approximately, $148,000 is for the salaries of laboratory and field research personal; and $36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the tire blight research at MSU at a level of $52,500 in FY09.

12. Phytopthora Research

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Researchers at Michigan State University are leaders in the fight to control Phytophthora capsici, a fungal-like pathogen that lives in the soil and causes numerous plants to rot. Phytophthora management has been complicated by its longevity in soils (10 or more years), its ability to spread in water, its resistance to a key fungicides and lack of disease resistant varieties. Michigan State University has developed new techniques for control and resistant varieties. However, losses caused by Phytophthora have become so large throughout the nation in recent years that the economic viability of the vegetable industries in many states is at risk, and more research is necessary. Since 1996, researchers have leveraged private, state and federal funds to significantly advance disease management. The widespread crop loss caused by Phytophthora capsici will be lessened, keeping family farms and their communities viable. Spread of Phytophthora to new sites will be stopped. Ways to remediate/treat infested ground and water sources will be identified. Integrated management strategies that emphasize cultural methods and environmentally friendly practices will be developed.

Amount: $346,000

Financial Breakdown: This money will provide 346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

NATIONAL LINK AWARENESS MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation to bring awareness to the link between animal cruelty and other forms of societal violence by designating the month of May 2009 as National Link Awareness Month.

This resolution would highlight the need for more attention and resources to be focused on how violence toward animals is indicative of other violent tendencies. By investigating the link further, information could be gathered that will help mitigate societal violence.

Psychological, sociological, and criminological studies have shown that violent offenders frequently had a history of abusing animals during their childhood and adolescence. The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Research has also shown patterns of animal cruelty among perpetrators of child abuse, spousal abuse, and elder abuse. In fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.

The link between animal abuse and domestic violence is a recognized fact. Each year, defenseless pets face the sad and disturbing reality that they will be victims of cruelty and abuse. Domestic abusers commonly torture or kill family pets as a method of exerting control and ensuring submission. This causes victims, children and adults alike, to remain in violent households in order to ensure their beloved pets are not harmed further.

Research indicates that children who are exposed to domestic violence are nearly three times more likely to mistreat animals than children who are not exposed to such violence. Tragically, this behavior is often symptomatic of future abuse toward other animals or human beings. Significant research documents a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression.

Due to the correlation between animal abuse and other forms of family and community violence, animal abuse must be taken very seriously. Human services, animal services, and law enforcement agencies must share resources and expertise to address animal and human related violence in communities. By effectively and comprehensively addressing the link between violence toward animals and other forms of societal violence, we can learn information that will help stop violence in the home as well as the community at large.

Madam Speaker, I urge my colleagues to support the designation of May 2009 as National Link Awareness Month so that more awareness will be brought to the link between animal cruelty and other forms of violence in society.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Operations & Maintenance

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured $2,483,000 for Maintenance Dredging at Port Manatee.

Funding will be used to perform maintenance dredging as needed (generally not every year). The funds being requested are appropriated in the Corps of Engineers' O&M Account but are entirely derived from the Harbor Maintenance Trust Fund (HMTF). The Trust Fund is financed by a Harbor Maintenance Tax of 1/8 of one percent of the value of imports and domestic traffic and this generates considerably more than the amount actually appropriated by Congress each year for the navigation projects. The requested funds are needed to restore full project dimension of the Phases I and II work.

The Fiscal Year 2009 federal budget for the Army Corps of Engineers includes $2.6 million for Manatee Harbor O&M.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured $478,000 for a General Reevaluation Report (GRR) on Tampa Harbor.

The GRR is studying the need for improvements to the Tampa Harbor in order to meet projected increases in international commerce. As Florida's largest port (in tonnage), Tampa Port handles in excess of 50 million tons of cargo annually and is West Central Florida's largest economic engine contributing billions of dollars annually to the 7 county region surrounding Tampa Bay. Port Manatee supports 22,000 jobs and has a total economic impact of $2.3 billion. As changes in the global shipping market evolve, both Tampa and Manatee Ports must be able to accommodate modern international vessel fleets which require deeper draft. The GRR will determine the national economic feasibility of further improvements to the Tampa main federal channel.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Florida Hospital—Wauchula

Address of Requesting Entity: 533 West Carlton Street, Wauchula, FL 33873

Description of Request: I secured $95,000 to support the expansion and renovation of the emergency department. This initiative is vital to the health care infrastructure and clinical services available to Hardee County and the surrounding communities.

Florida Hospital Wauchula is a 25 bed facility specializing in emergency, outpatient and transitional care. In 2000, we became the first Critical Access Hospital in the state of Florida in an effort to enhance the health care services provided to our rural service area. The hospital employs 91 full-time staff, including 5 physicians on General Medical Staff. In addition to our 7-bed emergency department, Wauchula offers diagnostic imaging and lab services and a transitional care unit with short-term skilled nursing and rehabilitation services.

As a rural community with limited medical resources, Hardee County relies on Florida Hospital Wauchula to provide high quality health care. The emergency department handles over 12,000 visits per year; a volume that taxes the facilities capacity to its limit.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota, FL 34236

Description of Request: I secured $951,500 for a Renewable/Alternative Energy Center in Sarasota County.

Sarasota County is an established national leader in energy efficient practices as evidenced by its green building and sustainability policies, as well as its private sector and develop alternative energy and green building initiatives. The County will commit its resources to partner with the federal and state governments, universities and the private sector to construct a zero-energy LEED Platinum certified green building to house the Center. This collaboration will promote the application of alternative energy technologies to protect the public safety and welfare of our citizens and communities and contribute to the future sustainability of our state and nation.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Bradenton

Address of Requesting Entity: 100 10th Street West, Bradenton, FL 34205

Description of Request: I secured $200,000 for the City of Bradenton Police Cruiser In-Car Video System.

The City of Bradenton proposes to install in-car video systems for every police cruiser in its fleet. This project not only protects the officer but assists the State's Attorney's Office in case prosecution as evidence collection will be enhanced.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 1105:

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Interior and Environment; Fish and Wildlife Service; Land Acquisition (LWCF)

Legal Name of Requesting Entity: New Jersey Audubon Society

Address of Requesting Entity: 142 West State Street, 4th Floor, Trenton, NJ 08608

Description of Request: $1.5 million towards the purchase of 80 acres, known as the Sinnickson Tract, adjacent to Supawna Meadows National Wildlife Refuge from existing willing sellers. The tract is located on Block 4701, Lot 23 in Pennsville, Salem County, New Jersey.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Interior and Environment; National Park Service; Save America's Treasures

Legal Name of Requesting Entity: Mid-Atlantic Center for the Arts

Address of Requesting Entity: 1048 Washington Street, P.O. Box 340, Cape May, NJ 08204

Description of Request: $100,000 to create a new, major impact heritage tourism product for the New Jersey Cape by restoring and opening to the public the World War 11 coastal artillery lookout tower, Fire Control Tower No. 23, located on Sunset Boulevard near Cape May Point. The Tower was listed on the New Jersey Register of Historic Places on May 29, 2003 and on the National Register on Nov. 17, 2003.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Labor, HHS, Education; Department of Education; Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Atlantic Cape Community College

Address of Requesting Entity: 5100 Black Horse Pike Mays Landing, NJ 08330

Description of Request: $381,000 to be used for the purchase of equipment and technology for the Science Technology Engineering and Math (STEM) Center to be constructed on the campus. The STEM Center will house programming for allied health, food science, life and physical science.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Labor, HHS, Education; Department of Health and Human Services; Health Resources and Services Administration (HRSA); Health Facilities and Services

Legal Name of Requesting Entity: The Children's Hospital of Philadelphia, Atlantic County Specialty Care Center in Mays Landing, New Jersey

Address of Requesting Entity: The Children's Hospital of Philadelphia, 2535 Market Street, Suite 1300, Philadelphia, PA 19104

Description of Request: $95,000 to be used to provide safety/communications, medical and educational equipment for the hospital's Children's Intensive Emotional and Behavioral Program (CIEBP). This program is a full day partial hospital program that integrates schooling, rehabilitation services, and psychiatric treatment for preschool and school aged children. It is the only psychiatric partial hospital program for children 5–12 with severe emotional and behavioral disorders in the Atlantic and Cape May county region.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Commerce; NOAA—National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science (PMAFS)—Recreational Fishing Alliance

Address of Requesting Entity: P.O. Box 3080, New Gretna, NJ 08224

Description of Request: $1 million for a Summer Flounder Initiative which will utilize acadmemic, recreational and commerical fisheries resources to address the management of summer flounder in the Mid-Atlantic region. This Initiative will address science issues relevant to the improved understanding of summer flounder recruitment, population demographies and discard mortality.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Justice; OJP—Juvenile Justice

Legal Name of Requesting Entity: Police Athletic League (PAL) of New Jersey

Address of Requesting Entity: 180 South Street, Freehold, NJ 07728

Description of Request: $1,500,000 to fund a statewide afterschool program consisting of athletics, recreation, education and cultural awareness for youth age 8 to 16 with the goal of deterring juvenile crime.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Justice; OJP—Juvenile Justice

Legal Name of Requesting Entity: Drug Abuse Resistance Education (DARE) New Jersey

Address of Requesting Entity: 292 Prospect Plains Road, Cranbury, NJ 08512

Decription of Request: $200,000 to find in-the-classroom programs led by police officers to educate students to avoid drugs, gangs and violence.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $2,967,000 for ongoing construction of the Great Egg Harbor to Peck Beach Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $1,914,000 for ongoing construction of the Absecon Island Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $2,297,000 for ongoing construction of the Cape May Inlet to Lower Township Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $1,340,000 for ongoing construction of the Townsends Inlet to Cape May Inlet Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107–3390
Description of Request: $239,000 for construction of the Great Egg Harbor to Townsends Inlet Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107–3390
Description of Request: $77,000 for ongoing construction of the Brigantine Island Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107–3390
Description of Request: $144,000 for ongoing construction of the Lower Cape May Meadows Environmental Restoration project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02) Bill Number: HR 1105
Account: Army Corps; Construction
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107–3390
Description of Request: $2,967,000 for ongoing construction of the Great Egg Harbor to Peck Beach Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: H.R. 1105
Account: Army Corps; CAP
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: Authority to continue construction of the Pennsville small flood control project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; CAP
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: Authority to continue construction of the Pine Mount Creek project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; Investigations
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $96,000 for ongoing study of the Hereford Inlet to Cape May Inlet Shore Protection project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; Investigation
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $96,000 for ongoing study of the New Jersey Shoreline Alternative Long Term Nourishment project.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; O&M
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $226,000 for maintenance dredging of the Cold Spring Inlet.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; O&M
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $65,000 for maintenance dredging of the Salem River.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; O&M
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $124,000 for maintenance dredging of Absecon Inlet.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Army Corps; O&M
Legal Name of Requesting Entity: Army Corps of Engineers
Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390
Description of Request: $888,000 for maintenance dredging of the New Jersey Intercoastal Waterway.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: Small Business Administration, Salaries and Expenses Legal Name of Requesting Entity: Richard Stockton College
Address of Requesting Entity: PO Box 195, Pomona, NJ 08240
Description of Request: $100,000 to attract small and disadvantage business to the Aviation Research and Technology Park.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: HUD, EDI
Legal Name of Requesting Entity: Atlantic County
Address of Requesting Entity: 1333 Atlantic Ave., Atlantic City, NJ 08401
Description of Request: $142,500 to construct facilities at the Aviation Research and Technology Park.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: HUD, EDI
Legal Name of Requesting Entity: Covenant House New Jersey
Address of Requesting Entity: 929 Atlantic Ave., Atlantic City, NJ 08401
Description of Request: $118,750 to assist in the construction of the Nancy's Place project, a facility to house and treat at-risk youth with mental illnesses.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: FRA, Rail Line Relocation and Improvement
Legal Name of Requesting Entity: Salem County
Address of Requesting Entity: 94 Market Street, Salem, NJ 08079
Description of Request: $950,000 to assist in the rehabilitation of the county owned short rail line.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: FAA, AIP
Legal Name of Requesting Entity: Atlantic City International Airport
Address of Requesting Entity: 101 Atlantic City Intl Airport, Suite 106, Egg Harbor Twp, NJ 08234
Description of Request: $712,500 to assist in the relocation and consolidation of the fire rescue and dispatch operations center.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: FHWA, TCSP
Legal Name of Requesting Entity: South Jersey Economic Development District
Address of Requesting Entity: 226 N. High Street, Suite A, Millville, NJ 08332
Description of Request: $237,500 to assist in the construction of the Egg Harbor City Transit Hub.
Requesting Member: Congressman FRANK LOBIONDO (NJ–02)
Bill Number: HR 1105
Account: USDA, CSREES
Legal Name of Requesting Entity: Rutgers University
Address of Requesting Entity: Marucci Center, 125A Lake Oswego Road, Chatsworth, NJ 08019
Description of Request: $451,000 for ongoing research into cranberry and blueberry breeding and disease resistance.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SULLIVAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations act of 2009.

Bill Number: H.R. 1105
Account: Department of Energy/Science/Biological and Environmental Research
Legal Name of Requesting Entity: The University of Tulsa
Address of Requesting Entity: 800 South Tucker Drive, Tulsa Oklahoma 74104
Description of Request: Provide an earmark of $713,625 to develop national energy policy recommendations and to support research devoted to determining the most cost effective means of reducing dependence on foreign energy. Matching funding is not applicable to this project as it is a state institution of higher learning. However, there is already $500,000 in state funds and at least $500,000 in funds contributed by the George Kaiser Family Foundation to the overall project.
Bill Number: H.R. 1105
Account: Department of Justice/Juvenile Justice Programs Part E—Demonstration Projects
Legal Name of Requesting Entity: Tulsa Public Schools.
Address of Requesting Entity: 3027 South New Haven, Tulsa Oklahoma 74114
Description of Request: Provide an earmark of $500,000 to help establish a Tulsa Public Schools police force to reduce indicents of on campus violent offenses, drug use, gang activity and gun possession. Matching funding is not applicable to this project as it is a public school.
Bill Number: H.R. 1105
Account: Department of Education/Elementary and Secondary Education
Legal Name of Requesting Entity: Tulsa Public Schools.
Address of Requesting Entity: 3027 South New Haven, Tulsa Oklahoma 74114
Description of Request: Provide an earmark of $285,000 to help establish a comprehensive education plan for at-risk students in the Tulsa Public School System. Matching funding is not applicable to this project as it is a public school.
Bill Number: H.R. 1105
Account: Department of Education/Elementary and Secondary Education
Legal Name of Requesting Entity: Jenks Public School System
Address of Requesting Entity: 205 East B Street, Jenks Oklahoma 74037
Description of Request: Provide an earmark of $190,000 to implement a reading initiative program for at-risk students in the Jenks Public School System. Matching funding is not applicable to this project as it is a public school.
Bill Number: H.R. 1105
Account: Health Resources and Services Administration/Health Facilities and Services
Legal Name of Requesting Entity: Oklahoma State University-Center for Health Sciences
Address of Requesting Entity: 1111 West 17th Street Tulsa, Oklahoma 74107
Description of Request: Provide an earmark of $285,000 to develop a system of mobile clinics that will bring health care access to some of Oklahoma's most remote areas. Matching funding is not applicable to this project as it is a state institution of higher learning.
Bill Number: H.R. 1105
Account: Health Resources and Services Administration/Health Facilities and Services
Legal Name of Requesting Entity: Oklahoma State University-Center for Health Sciences
Address of Requesting Entity: 1111 West 17th Street Tulsa, Oklahoma 74107
Description of Request: Provide an earmark of $333,000 to bring the latest telemedicine technology infrastructure to all areas of the state, and ensure access to quality health care. Matching funding is not applicable to this project as it is a state institution of higher learning.
Bill Number: H.R. 1105
Account: Transportation, Community and System Preservation
Legal Name of Requesting Entity: Oklahoma Department of Transportation
Address of Requesting Entity: 200 North East 21st Street, Oklahoma City, Oklahoma 73105
Description of Request: Provide an earmark of $380,000 to reconstruct the I–244 Bridge over the Arkansas River in Downtown Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of state government.
Bill Number: H.R. 1105
Account: Transportation, Community and System Preservation
Legal Name of Requesting Entity: Oklahoma Department of Transportation
Address of Requesting Entity: 200 North East 21st Street, Oklahoma City, Oklahoma 73105
Description of Request: Provide an earmark of $570,000 to reconstruct the I–44 Bridge and interchange in Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of state government.
Bill Number: H.R. 1105
Account: Buses and Facilities
Legal Name of Requesting Entity: Metropolitan Tulsa Transit Authority
Address of Requesting Entity: P.O. Box 52488 Tulsa, Oklahoma 74152
Description of Request: Provide an earmark of $712,500 for public transit vehicles and equipment and expansion of service for Tulsa Transit in Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of local government.
Bill Number: H.R. 1105
Account: Surface Transportation Priorities
Legal Name of Requesting Entity: City of Owasso, Oklahoma
Address of Requesting Entity: P.O. Box 180, Owasso, Oklahoma 74055
Description of Request: Provide an earmark of $ 1,045,000 for continued funding for the U.S. Highway 169 widening project in Owasso, Oklahoma. Matching funding is not applicable to this project as it is a unit of local government.

HONORING LOU HERWALDT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Lou Herwaldt upon being awarded with the ''2009 Leon S. Peters Award.'' Mr. Herwaldt was honored at a luncheon held by the Greater Fresno Area Chamber of Commerce on February 18, 2009.

The Herwaldt name has had a lasting significance in the Fresno community. For almost sixty years Lou Herwaldt has been providing vehicles, service and employment to the residents of the Central Valley. In 1955, Mr. Herwaldt went to work for Frank J. Saunders dealership and after nearly twenty years he decided to establish his own firm. In 1969, Mr. Herwaldt opened Sierra-Chrysler Plymouth. In forty years, his dealerships have represented ten auto models, including Oldsmobile, Mercedes Benz, Subaru and Saturn. Throughout his career, he has excelled at all levels and was even named to serve on the General Motors President's Council; he served in the group that developed the new ''Saturn'' brand for General Motors.

Mr. Herwaldt has also been an active member in the Fresno community. He served thirteen years on the Board of Fresno Community Hospital, including seven years as Chairman. He was instrumental to the formation of the present multi-campus Community Regional Medical Center. He has been a member of the North Fresno Rotary Club for forty years and served as president. Mr. Herwaldt has chaired the boards for the Fresno Leadership Foundation and Fresno Youth for Christ. He has served on the boards of the Fresno Better Business Bureau and Master's College in Castaic, California. Finally, Mr. Herwaldt is a board member of the Fansler Foundation and founded the Herwaldt Foundation, primarily supporting faith-based charitable organizations. He has received many accolades for his

contributions including being named the 2002 St. Agnes Hospital Benefactor of the Year.

Madam Speaker, I rise today to honor the accomplishments of Lou Herwaldt. I invite my colleagues to join me in honoring his accomplishments and wishing him the best in future endeavors.

TRIBUTE TO THE WOODS FAMILY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my congratulations to the entire Woods family for their selection as recipients of the NEBRASKAland Foundation's Distinguished Nebraskalander Award for their service to our state's historical, cultural, and economic well-being.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

The multi-faceted accomplishments the Woods family have achieved and contributed through seven generations of private business, humanities, leadership and philanthropy is to be commended. Nebraska's cultural history is something we should be proud of, and I thank the Woods family for their dedication.

Their example should inspire us, and we owe them a debt of gratitude for their dedication and sacrifice.

TRIBUTE TO DR. JOHN GROBMYER TEDFORD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Dr. John Grobmyer Tedford. His successes are many, but it is his outstanding service to the field of medicine that demands recognition. I am proud to honor Dr. Tedford for his lifetime of service to his patients, his community and our country.

Dr. Tedford was born in Little Rock, Arkansas in 1941 to William L. Tedford and Dorothy Grobmyer Tedford. Aside from his time in college and serving our country in Vietnam, he spent his entire life in Little Rock. He attended Hall High School but graduated from Forrest City High School after Governor Orval Faubus closed Little Rock's high schools in 1958–59 during the school integration struggle. He later went to college to study pre-med at the University of Arkansas at Fayetteville. At the age of 20, he went to the University of Arkansas School of Medicine and received his medical degree in 1966. After meeting through some mutual friends, Tedford married Judy Stoltz on October 28, 1993.

Dr. Tedford was a simple man who avoided fancy material possessions. Instead, he preferred to go to his favorite place, which was a cedar house his family built for him and spend time with nature. He especially enjoyed bass fishing and turkey and duck hunting. In addition, he enjoyed playing doubles tennis with his wife.

Although Tedford enjoyed sports and hunting, his patients were always his first priority. For example, in 1968 he joined the Navy and asked to be sent to Vietnam with the Marines to serve as a doctor, taking care of sick and injured troops. While in Vietnam, Tedford and his battalion were struck by a bomb. Despite his severe injuries, he refused to be evacuated and continued to treat the injured soldiers until he lost consciousness from internal bleeding. For his valiant efforts he was awarded the Bronze Star and a Purple Heart.

Dr. Tedford embodies the old fashioned values of service, leadership and commitment to his community that has made our State and our Nation great. He has dedicated his life to serving people and we are grateful for the impact he left on the lives of all he touched. He will be greatly missed.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Office of Justice Programs—Byrne Discretionary Grants Account

Legal Name Requesting Entity: The City of Westminster

Address of Requesting Entity: 8200 Westminster Blvd, Westminster, CA 92683

Description of Request: Provide $312,200 in FY 2009 to be used for the Criminal Enterprise Initiative, following the Year 1 federal funding provided in 2008. The detectives assigned to the Little Saigon Substation are already in operation, specifically focusing on identifying, investigating and dismantling criminal enterprises, having both national and international implications, within the Little Saigon area. Under this project, the Westminster Police Department's Crimes Against Public Unit occupies office space within the Little Saigon district of Westminster, placing a powerful ''investigative engine'' into the heart of the area where Asian Criminal Enterprises operate. The total cost of project is $1,061,181 (local match of $748,981). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange, California, Watershed and Coastal Resources Division

Address of Requesting Entity: 300 North Flower Street, Santa Ana, CA 92702

Description of Request: Provide $2,612,500 to complete the restoration of the Upper Newport Bay being conducted by the U.S. Army Corps of Engineers. The funding will be used for dredging costs. The ecosystem restoration project has started with the $14.7 million of federal funding received for the project through the U.S. Army Corps of Engineers since FY03. The project includes dredging 2.3 million cubic yards total, dredging sediments basins and side channels, restoring estuarine and other habitats, and creating a new Least Tern island. The Upper Newport Bay is one of the last remaining coastal wetlands in Southern California, and continues to play a significant role in providing critical habitat for a variety of migratory waterfowl, shorebirds and many threatened and federally endangered species. It will improve the bay's water quality by reducing sediment inflows and algal blooms, and will preserve Federal navigation channels. The project has significant support at the local, state, and national level, including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The project was authorized by Congress in the Water Resources Development Act of 2000 (P.L. 106–541, Section 101), and is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction Account. The County of Orange, CA has already made available the 35 percent local cost share required for the project. The County received a $13,000,000 Coastal Conservancy Grant, which it has frontloaded for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide $238,000 in FY 2009 to establish the Center for the Advancement of Teaching and Learning in Mathematics and Science (CATLMS). The proposed center addresses a national problem. One of the core drivers of innovation in the U.S. is its strength in STEM disciplines. Yet, in an increasingly interconnected world, the U.S. has not been keeping pace with its economic competitors. Federal investment would be used for the initial phase to carry out research studies, pursue external funding, and develop collaborations with private sector parties, educational institutions, and governmental agencies. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide $238,000 in FY 2009 to build upon existing intermediate level language courses to develop a full Bachelor's Degree program, a Minor, and an International Business Sequence in Vietnamese Language and Culture designed to prepare a new generation of Vietnamese Americans and others to take advantage of the rapidly growing business and professional opportunities resulting from trade between the United States

and Vietnam. Project Funding details included: Faculty salaries $237,594; Graduate assistants—20 hrs/week/term $70,862; Materials—resource & language lab/library $162,519; Internships $137,500; and Facilities & Administration (IDC) $91,525. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative Ed Royce

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Federal Transit Administration (FTA) Bus & Bus Facilities

Legal Name of Requesting Entity: The City of Anaheim

Address of Requesting Entity: 200 S. Anaheim Blvd, Ste 733, Anaheim, CA 92805

Description of Request: Provide an earmark of $2,612,500 in FY 2009 to be used toward the completion of the Anaheim Regional Transportation Intermodal Center (ARTIC). ARTIC will be the premier transportation hub serving international tourist destinations that are major contributors to the state and national economies. In 2006, Orange County Transportation Authority (OCTA) acquired the necessary property with $32 million in local funds and launched the master planning effort for the site with the City of Anaheim, which contributed $6 million of city-owned property located adjacent to the ARTIC. In addition, a recent voter-approved sales tax extension assures that OCTA will be able to direct a $2 billion, 30–year revenue stream for improved rail service serving ARTIC. The federal funding requested for FY 2009 will support preliminary engineering and environmental study. This request is consistent with the intended and authorized purpose of the FTA Bus & Bus Facilities Account. The total project cost is estimated at $245 million. The City of Anaheim has previously received $600,000 in the FY 2008 Transportation Appropriations bill and will provide a minimum 20% local cost share toward the project's cost. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE FIRST GRADUATING CLASS OF THE RIVERS CORRECTIONAL INSTITUTION RESIDENTIAL DRUG ABUSE PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. NORTON. Madam Speaker, I rise to ask the House to join me in congratulating the first graduating class of the Rivers Correctional Institution Residential Drug Abuse Program for meeting the high standards required for graduation. I am delighted at your success. I targeted the admission of District of Columbia residents to the drug treatment program as the highest priority at our first hearing since DC residents were transferred to the Bureau of Prisons (BOP) facilities. The reason drug treatment has been the priority issue is because drug abuse is a core reason many residents go to prison in the first place, and drug abuse is a primary reason why many return to prison.

As today's graduates know, many BOP inmates who need the drug treatment you have received cannot be accommodated under the BOP's existing appropriations. You have been fortunate to be accepted into the program, and you have shown yourselves to be worthy of admission by being the first DC residents to graduate from Rivers' new program. Because you have benefitted while many others could not, our expectations of you are great. In return for being among the few who have been admitted to the program, we ask you to remain drug free and to resolve to never see the inside of a prison again. You can do it now.

We know, of course, that you will come home at a time when people without felony records are being laid off and when we in the Congress are still working to find a solution to today's unprecedented economic crisis. Finding work and staying clean may be harder when you come home than when you left. But as pioneers and achievers, I believe in you, and I believe that you will set the example for others who need the program by fighting with determination to surmount any obstacles you may find.

Your own families and close friends are perhaps the only people who, I believe, will be more pleased than I will be to see you when you return. I hope that each of you will stop by my office here in the Rayburn House Office Building at some point to receive my personal congratulations and to have your picture taken with me, especially since, regrettably, I cannot be present in person to see you graduate. Please know that I am proud of the important achievement which you mark with today's graduation ceremony. It is one of the most important milestones of your life so far. Your graduation from the program is so important to me and to the District of Columbia that I will commemorate today's ceremony and your graduation by placing these congratulatory remarks in the Congressional RECORD when Congress returns from its week-long recess that began last Friday.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. H.R. 1105 The Fiscal Year 2009 Omnibus Appropriations contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: COPS—Methamphetamine Enforcement and Clean-up Grants

Legal Name Requesting Entity: Tennessee Bureau of Investigation—Tennessee Methamphetamine Task Force

Address: 901 R.S. Gass Blvd., Nashville, TN 37216–2369 c/o: 1110 Market Street, Suite 332, Chattanooga, TN 37402

Description of Request: The Tennessee Bureau of Investigations and the Tennessee Methamphetamine Task Force requested funding for the comprehensive effort to operate a state-wide methamphetamine task force system in Tennessee and received $2.4 million. The Tennessee Methamphetamine Task Force will train and equip local law enforcement officers throughout the State of Tennessee as a cooperative effort to combat this growing problem. Over the past several years, the use, production, and distribution of methamphetamine has proliferated throughout the State of Tennessee. Due to lack of funding, law enforcement has been frustrated in its efforts to adequately address this problem. The program is designed to reduce the manufacture, distribution and use of methamphetamine both domestic and foreign in Tennessee. The intelligence programs provided by the Meth Task Force allow the limited resources of federal, state and local law enforcement agencies to strategically identify and dismantle or destroy the most significant offenders and their organizations. The emphasis will remain on providing 24 hour response to state and local law enforcement agencies fighting the methamphetamine epidemic. The Tennessee Meth Task Force has earned a reputation as one of the most active and innovative task forces operating in the country.

Distribution of funding:

Supplies—21%

Personnel—15%

Travel—20%

Equipment—12%

Training/Communications/Staffing—32%

Requesting Member: Rep. ZACH WAMP

Account: Department of Justice Byrne Discretionary Grant Program

Legal Name Requesting Entity: City of Chattanooga

Address: 101 East 11th Street, Chattanooga, TN 37402

Description of Request: The City Council of Chattanooga and the Mayor of Chattanooga requested funding to assist in offsetting the expense associated with relocating the local law enforcement firing range and received $550,000. In 2003, President Bush signed legislation establishing Moccasin Bend National Archeological District on Moccasin Bend. The formation of the national park on Moccasin Bend and the planned interpretive visitor's center requires that the local law enforcement's firing range be moved to another site. The firing range has been in use by local law enforcement agencies for decades for training. The cost of such a move will be born by local governments.

Distribution of funding:

Target systems and portable steel armory—50%

Modular rifle and sniper training platform with protection package—22%

Specialty weapons and ammunition—20%

Training supplies—8%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FAA, Airport Improvement Program

Legal Name Requesting Entity: Chattanooga Metropolitan Airport Authority

Address: 1001 Airport Rd., Suite 14, Chattanooga, TN

Description of Request: The Chattanooga Metropolitan Airport Authority and Board of Directors requested funds that will be used to relocate and reconstruct Taxiways Alpha, Bravo and Charlie to meet current safety requirements and will receive $1,187,500 for this project. The Chattanooga Airport runway pavement is more than 30 years old, exceeding the 20–25 year life span for which it was intended. As a result, Taxiway Alpha does not meet Federal Aviation Administration design requirements. These funds will significantly improve the safety of the Chattanooga Airport so

that it can remain an asset to regional economic development.

Distribution of funding:

Engineering—13%

Lighting—10%

Site Work—23%

Horizontal Work—52%

Paint Marking—2%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FTA, 5309 Federal Bus and Bus Facilities

Legal Name Requesting Entity: East Tennessee Human Resource Agency

Address: 9111 Cross Park Drive, Suite D–100, Knoxville, TN

Description of Request: The East Tennessee Human Resource Agency (ETHRA) Policy Council requested funds to purchase new wheelchair accessible vehicles to replace an aging fleet. ETHRA will receive $1,425,000 with a $170,000 match in state and local funds for this project. Currently, the East Tennessee Human Resource Agency has a fleet of 125 vehicles, of which 40 have over 300,000 miles and are in need of replacement. ETHRA manages a rural transportation program for 16 East Tennessee counties which transports disabled citizens to life sustaining services such as medical appointments and procedures. These new vehicles will serve as a lifeline for disabled citizens to live independently, meeting a critical need in East Tennessee communities.

Distribution of funding:

Purchase of wheelchair accessible vehicles—100%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FHWA: Surface Transportation

Legal Name Requesting Entity: The Enterprise Center

Address: 1250 Market Street, Suite 3020, Chattanooga, TN

Description of Request: The City of Chattanooga's center for economic development initiatives, The Enterprise Center, requested funds for completion of the High-Speed Ground Transportation/Maglev Feasibility Study in the Chattanooga-Nashville Corridor that has already been approved by Congress and will receive $570,000 for this project. These funds will be used to coordinate with the U.S. Federal Railroad Administration and Volpe National Transportation Research Center to complete all elements of the study which include further engineering in relation to high speed rail ascending the Cumberland Plateau, development of more detailed ridership and revenue information that will provide a basis for development of a financial plan for the project, and supplemental outreach to the state and in the corridor for public/private partnerships potential. Funds will also be used to begin work on an Environmental Impact Statement for the corridor. The Chattanooga-Nashville Corridor will be an extension of the Atlanta-Chattanooga corridor creating a seamless corridor between Atlanta and Nashville to address airport capacity issues in the region. Chattanooga's Lovell Field currently has unused capacity for additional enplanements, while Atlanta's Hartsfield-Jackson Airport is overcrowded as the nation's busiest air hub. High-speed connections between the Atlanta, Chattanooga and Nashville airports are necessary, as recommended by the State of Georgia's Joint Study Committee on Transportation Funding.

Distribution Funding:

Salaries, wages, benefits and taxes—23.51%

Professional Fee/Contractors—57.33%

Office Supplies and maintenance—3.29%

Travel/Conferences and Meetings—9.53%

Indirect Costs—6.34%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name Requesting Entity: City of Oak Ridge

Address: 200 South Tulane, Oak Ridge, TN

Description of Request: The Oak Ridge City Council and Oak Ridge Mayor Torn Beehan requested funds to support the Oak Ridge Community Development Initiative in bringing economic development to the Highland View neighborhood and will receive $237,500 for this project. This neighborhood is one of the most economically depressed areas in the city. The housing was built over 50 years ago and was originally intended to be temporary housing. Funds will be used to construct new housing, assess structural integrity of housing units and provide a city-run grant program for neighborhood residents to renovate their WWII-era homes.

Distribution of funding:

Land Acquisition—21%

Relocation—18%

Demolition—2%

Construction—51%

Administration and Overhead—8%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name Requesting Entity: Hamilton County

Address: Hamilton County Government Room 208 Courthouse, Chattanooga, TN

Description of Request: Hamilton County Mayor Claude Ramsey and the County Commission requested funding to construct a workforce training center that will support industries locating at the Enterprise South Industrial Park. Hamilton County will receive $380,000 for this project. The Center for Advanced Manufacturing Technology will deliver hands on training in industry specific, high technology manufacturing skills to area residents that are critical to the 21st century workforce.

Distribution of Funds:

Site preparation—20%

Architectural and engineering—15%

Construction management—10%

Materials and labor—35%

Utilities—10%

Fixtures, furnishings, and equipment—10%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: The Enterprise Center

Address of Requesting Entity: 1250 Market Street, Suite 3020, Chattanooga, TN 37402

Description of Request: The City of Chattanooga's center for economic development initiatives, The Enterprise Center, requested funds to promote the Enterprise Center's Technology Development and Transfer initiatives focusing on advanced transportation and alternative energy. The Enterprise Center will receive $700,000 to allow the Center to continue to strengthen efforts to connect advanced technology developed within the Department of Energy National Laboratory system with public and private sector organizations, as well as other innovative technology transfer initiatives to promote additional jobs and economic growth in the Tennessee Valley Corridor. The Enterprise Center Technology Development and Transfer Office serves an important role in the local, state, regional, and national economy in mining technologies, innovations, and patents at resource institutions and transferring these innovations to the public.

Distribution of funding:

Direct Program Expenses—85%

Indirect Costs—15%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Education, FIPSE

Legal Name of Requesting Entity: Cleveland State Community College

Address of Requesting Entity: 3535 Adkisson Drive, Cleveland, TN 37320

Description of Request: Cleveland State Community College, a public college, requested funds to support workforce development for the energy efficiency construction industry and to promote economic growth in the region. Cleveland State Community College will receive $328,000 for curriculum development and purchase of equipment to expand energy efficiency concepts and training by including other forms of alternative energy, such as biofuels. In 2005 Cleveland State Community College developed an Energy Efficient Residential Construction program, which trains students in the proper uses of materials and technologies, including installing and operating photovoltaic (PV) solar panel systems.

Distribution of funding:

Program Management and Curriculum—62.5%

Demonstrations and Equipment—18.36%

Outreach—19.13%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), Research and Demonstration

Legal Name of Requesting Entity: Medical Foundation of Chattanooga

Address of Requesting Entity: 1917 East Third Street, Chattanooga, TN 37404

Description of Request: The Medical Foundation of Chattanooga, a non-profit foundation, requested funds for the Project Access initiative to provide health care services to uninsured residents of Hamilton County, Tennessee. The Medical Foundation of Chattanooga will receive $190,000 and matching funds of 5% will be dedicated to the project. Project Access staff and volunteer physicians provide essential health care services, including both primary and specialty care to these uninsured individuals to allow them to continue working and supporting their families.

Distribution of funding:

Personnel—75%

MIS Systems Expansion/Upgrade—6.25%

Other Operational Costs—18.75%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: St. Mary's Jefferson Memorial Hospital

Address of Requesting Entity: 120 Hospital Drive, Jefferson City, TN 37760

Description of Request: Jefferson County Mayor Alan Palmieri and the Board of St. Mary's Jefferson Memorial Hospital, a non-profit hospital, requested funds to upgrade the hospital's emergency facilities and to purchase equipment. St. Mary's Jefferson Memorial Hospital will receive $523,000 and matching funds of 5% will be dedicated to the project. St. Mary's Jefferson Memorial Hospital is the sole community hospital for Jefferson County, Tennessee. Expanded emergency and other critical equipment are greatly needed to provide essential health care services in the county.

Distribution of funding:

Emergency Department Equipment—52%

Intensive Care Unit Equipment—48%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services—Health Resources and Services Administration

Legal Name of Requesting Entity: Lincoln Memorial University

Address of Requesting Entity: 6965 Cumberland Gap Parkway, Harrogate, TN 37752

Description of Request: The Board of Lincoln Memorial University, a private, non-profit university, requested funds to support the acquisition of medical simulation technology and for the training of faculty members in the use of that simulation technology. Lincoln Memorial University will receive $433,000 and matching funds of 5% will be dedicated to the project. The Lincoln Memorial University nurse anesthesia program will play a critical role in strengthening the competencies of community hospitals and healthcare providers in our region.

Distribution of funding:

Human Patient Simulators—56%

Technology and hardware to support simulation capabilities—17%

Other equipment and technology costs—27%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: National Park Service, Construction

Legal Name of Entity Receiving Funds: Moccasin Bend National Archeological District (a unit of Chickamauga and Chattanooga National Military Park)

Address of Entity Receiving Funds: Moccasin Bend Road, Chattanooga, TN 37405

Description of Request: Moccasin Bend National Archeological District, a unit of the Chickamauga and Chattanooga National Military Park, will receive $500,000 to support design and development of visitor facilities to promote education and awareness of the archeological district. With evidence of human occupation dating back to the earliest human cultures in North America, Moccasin Bend has a rich and varied cultural history. Moccasin Bend was designated as a unit of the National Park Service to preserve the area's rich heritage for future generations. Currently no major facilities are in place on Moccasin Bend to support public enjoyment of these nationally significant resources.

Distribution of funding:

Design Development—100%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Environmental Protection Agency, STAG

Legal Name of Requesting Entity: East Tennessee Development District

Address of Requesting Entity: 216 Corporate Place, Alcoa, TN 37701

Description of Request: Mayor of Anderson County Rex Lynch, Mayor of Union County Larry Lay, and the East Tennessee Development District have requested funds to improve the water system in Anderson and Union counties to address problems with bacteriological contamination in the current drinking water supply in the area and to promote economic development in the East Tennessee region. East Tennessee Development District will receive $500,000 and matching funds of 45% will be dedicated to the project.

Distribution of funding:

Anderson County water system improvements—$275,000 (55%)

Union County water system improvements—$225,000 (45%)

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: USDA, Agricultural Research Service

Legal Name of Requesting Entity: University of Tennessee Institute of Agriculture

Address of Requesting Entity: 101 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996

Description of Request: University of Tennessee Institute of Agriculture requested funds for molecular genetics technologies used to develop better crop varieties to improve cropping systems in the region and will receive $254,000 for this project. Crops such as soybeans produced in West Tennessee and the North Delta Region are subjected to diseases and environmental conditions that are different from other cropping regions of the United States. Thus, there is a need for regional research on developing new varieties and cropping systems that will improve disease resistance, enhance value of the crop and protect the regional soil and water resources.

Distribution of funding:

Salaries—43.5%

Supplies—10%

Travel—1%

Research Support Agreement—5%

Equipment—17%

Extramural Research—13.5%

Indirect Research Costs—10%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: USDA, CSREES, Special Research Grants

Legal Name of Requesting Entity: University of Tennessee Institute of Agriculture

Address of Requesting Entity: 101 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996

Description of Request: University of Tennessee Institute of Agriculture requested funds to provide research and development within biotechnology and photonics to produce crop plants that can be used directly as early-warning sentinels for the detection of plant diseases. University of Tennessee Institute of Agriculture will receive $700,000 for this project. This research will greatly enhance farmers' ability to detect and treat crop diseases, at minimal costs, before the diseases can destroy entire harvests. In addition to the early detection of plant diseases, the research will develop precision agriculture phytosensors for the monitoring of field fertility and water stress. The ability to monitor field fertility and water stress aids in environmental stewardship of natural resources, and benefits growers in economic farm management.

Distribution of funding:

Salaries, Wages and Fringe—54%

Grad Student Fees—2%

Equipment—23%

Materials and Supplics—8%

Travel—1%

Subcontracts—13%

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the Intracoastal Waterway, Jacksonville to Miami, FL.

I have received $4.019 million in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Fl 33477. The FY 2009 funding will be used for the maintenance dredging of the IWW in portions of the IWW in St. Johns, Duval, St. Lucie, Martin and Indian River Counties.

The Intracoastal Waterway in Florida annually: transports over 1.7 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by $38.4 billion, and; provides $18 billion in economic output which includes $6 billion in personal wages and 203,519 jobs. Studies have shown that these benefits would be reduced by over 50% if the waterway is not properly maintained.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Buses and Bus Facilities for the Seminole County, Florida.

I have received $1,425,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Seminole County, 1101 East First St., Sanford, FL 32771. The FY 2009 funding will be used to construct bus stations in Seminole County, Florida in the cities of Altamonte, Lake Mary, Longwood and Sanford. The cities have received the necessary environmental clearances to move forward with land acquisition. This project is eligible under SAFETEA–LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, 1 am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Highway Administration Account for TCSP-Transportation and Community and System Preservation for Flagler County.

I have received $237,500 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd., Bunnell, FL 32110. The FY

2009 funding will used for the construction of the Colbert Lane to Belle Terre segment of the Lehigh Trail in Flagler County, Florida. No previous federal funding, eligible for funds under SAFETEA–LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Highway Administration Account for the Central Winds Park Water Taxi Project, Winter Springs, Florida.

I have received $190,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the City of Winter Springs, 1126 East State Road 434, Winter Springs, FL 32708. The FY 2009 funding will be used for the design, permitting and construction for a water taxi launch site to provide transportation between communities located on Lake Jesup in Seminole County.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Central Florida Commuter Rail System Project.

I have received $13 million in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the Florida Department of Transportation, 605 Suwannee St., Tallahassee, FL 32399. The FY 2009 funding will support purchasing right of way for the station properties and conduct final design for Phase 1.

The project is a 61-mile, 17-station commuter rail system being built on existing right-of-way from the DeLand Amtrak Station in Volusia County to Poinciana Industrial Park in Osceola County, through downtown Orlando, Florida. The project was approved by the Federal Transit Administration to enter preliminary engineering in March 2007 and anticipates beginning revenue operations in 2011 (Phase 1) and 2013 (Phase 2). The Central Florida Commuter Rail System is authorized under SAFETEA–LU (P.L. 109–59), Section 3043(b)(3).

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Winter Park Intermodal Facility Project.

I have received $950,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is City of Winter Park, Fl, 150 W. Morse Blvd., Winter Park, FL 32789. The FY 2009 funding will be used for construction and facility improvements to the Amtrak Station in Winter Park, Florida to accommodate additional public transit and the Central Florida Commuter Rail system due to start in 2010. This project is eligible under SAFETEA–LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Buses and Bus Facilities for the St Johns County Council on Aging.

I have received $1,472,500 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is St Johns County, 180 Marine St., St. Augustine, FL 32084. The FY 2009 funding will be used for the construction of new transit facilities and fleet replacement in St Johns County, Florida. This project has received federal funding in FY04, FY05 and FY06 and is eligible under SAFETEA–LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Labor, HHS, Education section of the FY09 Omnibus Appropriations Act, Department of Health and Human Services, Health Resources and Administration Account for the Catholic Charities of Central Florida Mobile Health Unit.

I have received $190,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Catholic Charities of Central Florida, 1771 N. Sermoran Blvd., Orlando, FL 32807. The FY 2009 funding will be used toward the purchase and equip a Mobile Health Unit (MHU) to serve the most vulnerable uninsured residents in Central Florida. A medically equipped 35 ft. MHU is a critical tool that will provide immediate basic health to the uninsured men, women and children with the most urgent needs who lack access to transportation, child care, inability of working poor to take time off from their jobs and at-risk seniors without Medicare Part B in underserved communities. The Mobile Health Unit will serve an estimated 4,000 people per year equaling a taxpayer/hospital savings of $1,980,000 in indigent care costs.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Labor, HHS, Education section of the FY09 Omnibus Appropriations Act, Department of Health and Human Services, Health Resources and Administration Account for the School of Nursing at the Bethune-Cookman University.

I have received $330,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Bethune-Cookman University, 640 Dr. Mary McCleod Bethune Blvd., Daytona Beach, FL 32114–3099. The FY 2009 funding will be used for toward the completion of the $3.5 million renovation of a 37,000 sq. ft. facility to house the expansion of the School of Nursing. The building will include Smart Classrooms, Simulation and Skills Laboratories, a Lecture Hall, Seminar and Conference Rooms, Administrative and Faculty Offices and the innovative, community focused Wellness Center. The University received federal funding for this project in FY08 in the HUD account.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Interior and Environment FY09 Omnibus Appropriations Act, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Account for the Volusia County Integrated Water Resources Project.

I have received $500,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the St. Johns River Water Management District, 4049 Reid Street Palatka, FL 32178–1429. The FY 2009 funding will be used to integrate alternative water supplies in Volusia County, to serve the collective water supply needs of the local governments. These alternative supplies will reduce the projected regional groundwater deficits. This project will develop up to 30 million gallons per day of additional water supply from the St. Johns River and potentially other alternative water sources.

This funding is needed in order to ensure the availability of an affordable supply of water for use by public water supply and possibly by wastewater utility customers in the Volusia County area, to avoid competition among users of traditional groundwater sources for the limited groundwater supplies in the project area and to reduce the significant threat to water resources and related natural systems that would result if withdrawals of groundwater were allowed to occur beyond their sustainable limits.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Interior and Environment FY09 Omnibus Appropriations Act, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Account for the Potable Water System Improvement Project, City of Crescent City, Florida.

I have received $500,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the City of Crescent City, Florida, 3 N. Summit St., Crescent City, Fl 32112. The FY 2009 funding will be used for the replacement of asbestos cement lines with PVC water lines, existing asbestos cement lines have been cracking and corroding and adversely effect water service to local residents.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the Flagler Beach Shoreline Protection Project.

I have received $263,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd, Bunnell, Fl 32110. The FY 2009 funding will complete the feasibility study of the Flagler County shoreline which was begun with funding provided in FY 2004.

The shoreline of the City of Flagler Beach has experienced critical erosion that threatens State Road A1A, which serves as an emergency evacuation route. For example, A1A was closed in Flagler Beach for the month of January, 2006 as the road was completely washed away due to erosion. The erosion also has caused a severe loss of public recreation opportunities and a degradation of environmental habitat. The beach is so narrow that the high tide line extends into the existing revetment, making it unsuitable as nesting habitat for sea turtles and almost unusable for recreational purposes. The City believes that restoration of the beach is a primary component of preserving safe passage along A1A while

also providing public recreational opportunities and environmental habitat.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Commerce, Justice, Science section of the FY09 Omnibus Appropriations Act, Department of Justice, OJP-Byrne Discretionary Grants Account for Putnam County for the Children's Advocacy Center.

I have received $330,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Putnam County, PO Box 758, Palatka, FL 32178. The FY 2009 funding will assist Putnam County, FL to renovate and equip a new 2500 sq. ft facility to address child abuse cases in this affected area. This new facility will provide children, their families, case workers, detectives and advocates a safe central location where they can meet in a nonthreatening environment. This project has not received federal funding previously, but is authorized under P.L. 109–162—the Edward Byrne Memorial Justice Assistance Grant Program.

The purpose of the Children's Advocacy Center in Putnam County provides an environment for multiple agencies to interview, examine, investigate and treat cases of child abuse in Putnam County. These funds will be used to renovate and staff a new 2500 sq. ft facility. This new facility will provide children, their families, case workers, detectives and advocates a safe central location where they can meet in a non-threatening environment. Providing this space for concurrent interviewing and interagency conferencing enhances the communication between agencies on mutual cases.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Commerce, Justice, Science section of the FY09 Omnibus Appropriations Act, Department of Justice, COPS Law Enforcement Technology for the City of Maitland. I have received $170,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is City of Maitland, 1776 Independence Ln, Maitland, FL 32751. The FY 2009 funding will assist the City of Maitland in the purchase of an upgraded computer aided dispatch system that will better coordinate law enforcement and of first responders. This project has not received federal funding previously, but is authorized under P.L. 109–162—the Edward Byrne Memorial Justice Assistance Grant Program.

The funding will form a multi-agency radio interoperability system comprised of the City of Maitland, City of Orlando and the University of Central Florida, and for critical technology upgrades for the Maitland Police and Fire Department. Funding is for Maitland's portion of the multi-agency radio interoperability system. Additionally, the need for timely records, Drivers License, Criminal History, and photo identification information is critical for public safety. Mobile Data Terminals (MDT) provide immediate access to this critical information and funding will allow for their full provision to Police, Public Safety (Fire EMS), and connection to the Public Safety Records Management System (RMS).

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the St. Johns County Shore Erosion Control Project.

I have received $263,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is St. Johns County, 4020 Lewis Speedway, St. Augustine, Fl 32084. The FY 2009 funding will allow the Army Corps of Engineers to lessen down drift shoreline impacts caused by the federal navigation channel at St. Augustine Inlet, and to provide storm damage protection to the shore.

St. Johns County is located on the East Coast of Florida, approximately 30 miles south of Jacksonville and 200 miles north of Miami. The ocean shoreline of St. Johns County is approximately 42 miles long. Due to tropical storms and major hurricanes, particularly Hurricane Floyd of 1999, the shorelines of St. Johns County have been subject to significant erosion prompting a request to the federal government for assistance. The feasibility study area will include all of St. Johns County, including the South Ponte Vedra Beach area.

EARMARK DECLARATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GOODLATTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: USDA, Animal and Plant Health Inspection Service

Legal Name of Requesting Entity: USDA Animal and Plant Health Inspection Service—Wildlife Service

Address of Requesting Entity: 105 B Ponderosa Drive, Christiansburg, VA 24073

Description of Request: $140,000. Increasing coyote population poses a direct threat to producers due to livestock losses. This funding will allow the Wildlife Service to administer a livestock protection program to protect animals from coyote predation in western Virginia.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Lynchburg, Virginia

Address of Requesting Entity: 900 Church Street, Lynchburg, VA 24504

Description of Request: $500,000. Combined Sewer Overflow (CSO) occurs when older sewer pipes carry both water and sanitary sewer. During storms, the system capacity is reached and overflows raw, untreated sewage into the nearest stream, creek or backyard. The City of Lynchburg began implementing a long term CSO Control Plan in 1993 when a Special Order, sought by the Environmental Protection Agency, was signed, requiring the City of Lynchburg to address its CSO problem. This funding helps accelerate the program's completion.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: Corps of Engineers, Construction—General

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, City of Roanoke, Virginia

Address of Requesting Entity: City of Roanoke, 215 Church Street, Roanoke, VA 24011

Description of Request $1,029,000. When completed, the project will provide flood damage reduction to industrial, commercial, and residential property.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Virginia Polytechnic Institute and State University

Address of Requesting Entity: 219 Burress Hall, Blacksburg, VA 24061

Description of Request: $868,000. Funds for the Biodesign and Processing Research Center (BPRC) at Virginia Polytechnic Institute and State University will enable the BPRC to continue conducting research for the conversion of agricultural crops and agriculture/animal wastes to value-added products such as fuels, bio-oils, fertilizers, and other industrial products.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: USDA, National Resources Conservation Service

Legal Name of Requesting Entity: USDA Natural Resources Conservation Services

Address of Requesting Entity: 1606 Santa Rosa Drive, Suite 206, Richmond, VA 23229

Description of Request: $160,000. The Buena Vista Watershed Plan will ensure that the NRCS has necessary resources to maintain its flood protection intitiative along the Maury River in Rockbridge County, Virginia. This plan is an effort to prevent flooding on interior streams and stream bank erosion. This project is necessary to protect homes and businesses in Buena Vista and minimize long-term environmental degradation to the entire watershed area.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BILBRAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: CDC, Public Health Improvement and Leadership

Legal Name of Requesting Entity: County of San Diego, Public Health Services

Address of Requesting Entity: 1700 Pacific Highway, San Diego, CA 92101

Description of Request: I received an earmark of $476,000 to implement a management system to allow the County of San Diego to track medications, vaccines, supplies, equipment and people used during a health emergency response. The County is vulnerable and at high risk for such incidents due to its status as a border community and military town. The Emergency Preparedness and Public Health Management System (EPPHMS) will provide real-time visibility in the day-to-day and emergency management of pharmaceuticals, vaccines, consumable and capital assets, materiel and human resources, program management and patient tracking. Many County and local programs and agencies will use this management system concurrently for daily and emergency management in single-site, multi-site or mobile facilities, while integrating with the County's main Emergency Operations Center. This HIPAA- and PHIN-compliant system will mitigate a gap in County readiness and infrastructure, as identified by the Center for Disease Control and Prevention in 2007.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation Program

Legal Name of Requesting Entity: City of Carlsbad, California

Address of Requesting Entity: 1200 Carlsbad Village Drive, Carlsbad, California 92008

Description of Request: I received an earmark of $237,500 to proceed with the design work to construct a replacement for the Encinas Creek Bridge. This is a critical section of the historic route Coast Highway 101 and it is the regional road alternative to Interstate 5. CALTRANS has indicated in two major reviews that this bridge must be replaced as soon as possible to meet seismic standards and repair the failing support structure. Bridge lanes have already been rerouted temporarily for public safety. This stretch of Coast Highway provides direct access to public beach parking, pedestrian access, coastal bicycle trails, state campgrounds, and several tourist serving commercial facilities. Public funding to support this very heavily utilized public road is vital to ensure traffic flow, safety, and the economic development of the region. 20% of funding will come from local or state sources, and this project is part of the State of California's transportation improvement plan and has been identified as an eligible project critical to the region.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: COPS Technology

Legal Name of Requesting Entity: County of San Diego, Sheriff's Department

Address of Requesting Entity: 9621 Ridgehaven Court, San Diego, CA 92123

Description of Request: Per my request, San Diego County has received $1.35 million for the ongoing upgrade of the San Diego County Sheriff's Department's Regional Communications System (RCS). This funding will be used for Phase 1 of migration to P25 capacity, which will move the County and its cities forward in the implementation of an effective, efficient regional interoperable communications system. This system will be critical both in terms of daily, routine communications and during disaster emergencies and other events that demand that all public safety agencies be able to communicate effectively. It will benefit California and other States and Federal agencies by providing voice radio interoperability with those entering into the region providing mutual aid. Ultimately, it will enable San Diego County public safety agencies to seamlessly integrate with surrounding Counties as it is built out to a ''network of networks.''

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, General Investigations, Miscellaneous

Legal Name of Requesting Entity: Scripps Institution of Oceanography, UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, La Jolla, CA 92093

Description of Request: I received $500,000 for the Coastal Data Information Program/Southern California Beach Processes Study within the Army Corps of Engineers. Through this program, high-resolution wave data and forecasts are disseminated in real time via the internet to the National Weather Service and to tens of thousands of diverse users each day. Sea state and surf warnings are issued based on this information for the protection of life and property. In addition, beach elevations are monitored and analyzed, and this information is provided to coastal communities online where local governments and engineers use it for making educated policy decisions for protecting and enhancing local beaches. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, which has the federal responsibility for shoreline protection and uses this data for coastal dredging and construction projects. This program is critical to marine safety and operations for the coastal United States and there are no competitive funding sources available.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: The City of Solana Beach

Address of Requesting Entity: 635 South Highway 101, Solana Beach, CA, USA 92075

Description of Request: I received $375,000 to complete the feasibility study for the Solana Beach-Encinitas Shoreline Protection Project. The protective beaches throughout the Solana Beach area are severely eroded, leaving residences, portions of Highway 101, and public access points susceptible to dangerous wave attacks and beachgoers subject to falling rocks as bluffs are destabilized by erosion. This Shore Protection Project will build up the protective beaches along the coast, preserving public access, recreational areas, and as well as public infrastructure and private homes.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, FY 2009 Omnibus Appropriations Act:

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Institute of Museum & Library Services: Museums & Libraries

Legal Name of Requesting Entity: Adirondack Museum

Address of Requesting Entity: Route 28N & 30, P.O. Box 99 Blue Mountain Lake, NY 12812.

Description: Provide an earmark of $95,000 to the Adirondack Museum for the construction of an exhibit to highlight and preserve the history and impact of the mining industry on the Adirondack region.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Samaritan Medical Center

Address of Requesting Entity: 830 Washington Street, NY 13601.

Description: Provide an earmark in the amount of $190,000 for the construction and renovation of a new healthcare facility to better meet the needs of the nearby fast growing military and civilian population.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Oneida Healthcare Center

Address of Requesting Entity: 321 Genesee Street, Oneida, NY 13421

Description: Provide an earmark in the amount of $285,000 for the demolition and renovation of a new acute care facility, and to help fund the purchase of movable equipment at the Oneida Healthcare Center.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Carthage Family Wellness Clinic

Address of Requesting Entity: 120 South Mechanic Street, Carthage, NY 13619.

Description: Provide an earmark in the amount of $190,000 for the construction of a medical office building.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Canton-Potsdam Hospital

Address of Requesting Entity: 50 Leroy Street, Potsdam, NY 13676.

Description: Provide an earmark in the amount of $143,000 for the expansion of the

current hospital complex to accommodate a new Intensive Care Unit.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Elizabethtown Community Hospital

Address of Requesting Entity: 75 Park Street, Elizabethtown, NY 12932.

Description: Provide an earmark in the amount of $190,000 for the purchase of telemedicine equipment and radiology and mammography equipment.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Education: Higher Education

Legal Name of Requesting Entity: State University of New York at Canton

Address of Requesting Entity: 34 Cornell Drive, Canton, NY 13617.

Description: Provide an earmark in the amount of $143,000 the purchase of laboratory equipment for the purposes of distance learning and experimentation.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Justice: OJP Juvenile Justice

Legal Name of Requesting Entity: Youth Advocate Programs, Inc.

Address of Requesting Entity: 2007 North Third Street, Harrisburg, PA

Description: Provide an earmark in the amount of $150,000 for the establishment of two centers in New York State to provide assistance to at-risk youth.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Justice: OJP Byrne Discretionary Grants

Legal Name of Requesting Entity: Franklin County District Attorney's Office

Address of Requesting Entity: 355 W. Main Street, Malone, NY 12953.

Description: Provide an earmark in the amount of $350,000 for the construction and deployment of a wireless video-based surveillance system with video analysis for use by multiple law enforcement agencies.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Environmental Protection Agency: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Village of Canastota

Address of Requesting Entity: 205 Peterboro Street, Canastota, New York 13032

Description: Provide an earmark in the amount of $500,000 for the construction of an upgraded Village combined sewer system.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Save America's Treasures

Legal Name of Requesting Entity: Frederick Remington Art Museum

Address of Requesting Entity: 303 Washington Street, Ogdensburg, NY 13699

Description: Provide an earmark in the amount of $150,000 for the restoration of the historic Parish Mansion which houses the Frederick Remington Museum.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Village of Rouses Point, NY

Address of Requesting Entity: 139 Lake Street, Rouses Point, NY

Description: Provide an earmark in the amount of $95,000 for the restoration and preservation of a rail station.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Economic Development Initiatives

Legal Name of Requesting Entity: Points North Housing Coalition of Jefferson, Lewis and St. Lawrence Counties

Address of Requesting Entity: 129 Kiwassa Road, Saranac, NY 12983

Description: Provide an earmark in the amount of $166,250 for the support and development affordable housing in Jefferson, Lewis, and St. Lawrence Counties.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Surface Transportation Priorities

Legal Name of Requesting Entity: Operation Oswego County, Inc.

Address of Requesting Entity: 44 West Bridge Street, Oswego, NY 13126

Description: Provide an earmark in the amount of $237,500 for improvement of road and rail connections at the Port of Oswego.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: New York State Department of Transportation

Address of Requesting Entity: 50 Wolf Road, Albany, NY 12232

Description: Provide an earmark in the amount of $1,425,000 for the construction of a 4–lane road from Interstate 81 to the main gate at Fort Drum in order to enhance the viability of the Fort and improve safety in the region.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE

Legal Name of Requesting Entity: Town of Mexico, NY

Address of Requesting Entity: 3226 Main Street, Mexico, NY

Description: Provide an earmark in the amount of $142,500 for the construction of a town hall that makes use of energy efficient geothermal technologies for climate control.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE

Legal Name of Requesting Entity: Catalyst Renewables Corporation, c/o Lyonsdale Biomass

Address of Requesting Entity: 3823 Marmon Road, Lyons Falls, NY 13368

Description: Provide an earmark in the amount of $475,750 for the commercialization of willow biomass crops as part of the mix of woody biomass feedstocks for bioenergy.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE

Legal Name of Requesting Entity: State University of New York at Morrisville

Address of Requesting Entity: 90 Eaton Street, Morrisville, NY 13408

Description: Provide an earmark in the amount of $475,750 to construct an algae-based renewable energy efficiency project.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Agricultural Research Service, Salaries and Expenses

Legal Name of Requesting Entities: ARS Manhattan Unit and Kansas State University

Address of Requesting Entities: 1515 College Ave, Room 101, Manhattan, KS 66502 and 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured $508,000 for Karnal Bunt (KB which is a disease of wheat that is caused by the fungus Tilleti indica. Although total deregulation of KB is scientifically justified, international quarantine deregulation is a slow and complex process. Past funded breeding programs have been successful and developed an array of resistant breeding lines. These lines are now in final stages of testing prior to variety release. As Karnal bunt research is completed, we request these h d s be transitioned to address new, more critical disease threats, such as cereal rust diseases. Since 2001, other serious challenges to wheat crop health have emerged, including new virulent races of stripe and leaf rust and the African stem rust race Ug99 and its variants. Resources are needed to address these critical disease issues and vulnerabilities in U.S. cereal production. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Animal and Plant Health Inspection Service, Salaries and Expenses Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured $259,000 for The National Agricultural Biosecurity Center (NABC) at Kansas State University. NABC was established to help protect the U.S. agricultural infrastructure and economy from endemic and emerging biological threats. There has been progress made with Phase I and Phase II funding, but more work is necessary. The NABC requires Phase 11 continuation funding to implement international

linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, to further develop a GIs-based tracking system for pathogen monitoring, and to populate a lessons learned agrosecurity archive. To address these national security needs, funding is also required for enhanced Internet connectivity, on-line training materials, and data mining tools. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $515,000 Great Plains Sorghum Improvement and Utilization Center. Kansas State University along with Texas Tech University and Texas A&M University initiated the Great Plains Sorghum Improvement and Utilization Center (GPSIUC). The focus of the center is on genetic improcement, production systems to enhance water and nutrient use, innovative strategies to provide improved weed control. Utilization of sorghum in human food products, animal feed, and as a bioenergy and industrial feedstock, plus marketing, and policy analysis in support of the US sorghum industry. Increased funding for FY09 will permit GPSIUC to expand existing research and education programs, particularly in genetic improvement and sorghum utilization. Sorghum is one of the most drought tolerant crops in the world, offering many potential advantages as a food, feed and bioenergy crop, and could be a key to sustaining viable rural economies in the Great Plains. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $142,000 for Preharvest Food Safety and Security program. Currently, Kansas State University has an ongoing USDA special project on the ecology of E. coli 0157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans. The university plans to expand its investigations into (1) the ecology of Salmonella in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics and animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $69,000 to study water conservation in the Ogallala Region of Kansas This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is increasingly in short supply. Drought, aquifer and surface water depletion, and population shills have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for use becomes even more important. The goals of this project are to help: 1) agricultural producers, both crop and livestock; 2) rural communities in water-short areas; and 3) state agencies to implement economical technologies and policies that will result in water conservation and prolonged life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over allocated surface waters. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $240,000 for Wheat Genetic Research. Wheat is the world's most important grain for human nutrition, but genomics and biotechnology research has lagged behind. WGGRC is leading an international effort to map and sequence the wheat genome. The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University has already made an investment of almost $1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. This request will collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Emporia Police Department

Address of Requesting Entity: 518 Mechanic Street, Emporia, KS 66801

Description of Project: I have secured $150,000 for the City of Emporia Police Department.

The City of Emporia police department has had problems maintaining the pace of the replacement of equipment and staffing critical to the safety of the officers and members of the community. In the development of a five year capital improvement project, there were only four of the nearly 20 items that were new. Funding is requested for the purchase of Communication and Surveillance Equipment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Garden City Police Department

Address of Requesting Entity: 304 N. 9th Street, Garden City, KS 67846

Description of Project: I have secured $150,000 for the Garden City Police Department. The Garden City Police Department is always looking for ways to be progressive and adding equipment which would help us monitor gang activity and prevent, or resolve graffiti and gang crime is sorely needed. Gang crime and graffiti have become problematic and public expectations for safety and prevention are high. Video monitoring equipment and accompanying computers and software that officers can access in their patrol vehicles would be of immense assistance to the Garden City Police Department for immediate response and intervention, especially in high crime areas. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Junction City Police Department

Address of Requesting Entity: 210 East Ninth Street, Junction City, KS 66441

Description of Project: I have secured $150,000 for the Junction City Police Department. Junction City Police Department is a 52 officer department located in Central Kansas next to Fort Riley military base. The unprecedented growth in the community is experiencing has magnified downfalls in their current technology and has identified the need for additional technology. The Junction City Police Department needs key technology components to merge their systems together making a more user friendly environment accessible to the entire law enforcement team rather than a limited number of educated individuals. Funding would be used to purchase additional technology, such as surveillance enhancements, GIS improvements and crime mapping technology to analyze crime trends and to ensure the proper application of department resources and manpower. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, OJP-Juvenile Justice

Legal Name of Requesting Entity: Youthville

Address of Requesting Entity: 11200 Lariat Way PO Box 1394, Dodge City, KS 67801 Description of Project: I have secured $50,000 for the Youthville Training Institute for Foster Families. Youthville will provide comprehensive training to future foster families across Kansas, preparing them for the challenges of caring for a traumatized child. The Training Institute for Foster and Adoptive Families will recruit and train families interested in foster parenting and adopting at-risk children. These

families will be prepared for adopting an at-risk child who has experienced severe emotional, physical, and/or sexual abuse. The Training Institute will consist of staff that is highly trained in helping the families build their skills in managing trauma-based behaviors in children. The families and children themselves will also receive training that is intensive and ongoing. Families who have previously adopted will also be eligible for the Training Institute. The overall goal of the program is to assist these children in becoming productive members of our society by placing them in families prepared to deal with foreseeable challenges. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Corps of Engineers, Section 205

Legal Name of Requesting Entity: City of Concordia

Address of Requesting Entity: 701 Washington Street, Concordia, KS 66901

Description of Project: I have secured language for the Army Corps of Engineers to provide assistance to The Concordia project which is located on an unnamed tributary on the south side of the City of Concordia. An existing embankment on that stream serves as a detention dam during heavy rainfall events and protects a residential and commercial development immediately downstream. This embankment breached as a result of heavy rainfall in 1950 and flood waters devastated the downtown business district. The embankment was restored, but not designed to current or any acceptable engineering standards, and its condition makes the risk of flooding to the housing and business district immediately downstream very high. The project will develop a plan to construct a safe and reliable flood protection project in partnership with the City of Concordia. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $713,625 for the Kansas State University Center for Sustainable Energy. Kansas State University request funding to establish and sustain programs at the Center for Sustainable Energy (CSE). Through KSU's strengths in the requisite science and technology elements, it will foster collaborations with 30+ entities including other educational institutions, public and private research centers, private industries and public organizations with strategic interests in the sustainable energy. This diverse group of stakeholders will ensure a Center structure that fosters research collaborations, technology transfer, and commercialization.

To address the grand challenges and produce ''game-changing'' innovations, the CSE will draw upon expertise from five major research-specialty groups: biomass design, biomass production, biomass conversion to fuels and chemicals, biofuel/product utilization, and the socioeconomic impacts of sustainable energy. A critical mass of diverse investigators from academia, industry, and national laboratories plans and carries out broad ranging research that will produce a continuous outflow of sustainable processes for technology transfer, business development, and commercialization. Commercialization activities will include market assessment, policy review and legal issues, intellectual property generation and management, facilitating collaborations and creation of investment vehicles. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured $713,625 for the Kansas Wind Energy Consortium. A consortium (KWEC) of researchers from Kansas State University, Wichita State University, and the University of Kansas request funding to dramatically increase the penetration of wind energy via distributed wind power generation. KWEC aims to find technical and economic solutions to enable widespread implementation of distributed renewable energy resources that would apply to wind. The outcome will make Kansas and the nation more energy and environmentally secure. Additionally, with growing emphasis on renewal energy worldwide, success of this research would have global impact. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Small Business Administration

Legal Name of Requesting Entity: The University of Kansas

Address of Requesting Entity: 1450 Jayhawk Boulevard, Room 230, Lawrence, KS 66045

Descscription of Project: I have secured $100,000 for the KU Center for Trade and Agribusiness. The University of Kansas School of Law is nationally recognized for its international trade and international finance coursework and legal analysis. The proposed center at the University of Kansas School of Law would provide law students and faculty the ability to distribute legal expertise into the field of trade which is crucial to the continued economic success of Kansas and the Great Plains. Agriculture trade makes up the majority of state economies like Kansas and increasing and expediting trade will grow these economies. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Lindsborg

Address of Requesting Entity: 101 S. Main P.O. Box 70, Lindsborg, KS 67456

Description of Project: I have secured $500,000 for the City of Lindsborg's wastewater treatment plant upgrade. The City of Lindsborg engaged an engineering consultant in January of 2007 to conduct an assessment of the Lindsborg wastewater treatment plant (WWTP). The three primary drivers for the assessment were safety of the wetwell, the expiration of the current NPDES permit in 2009 and the age of the facility. The wetwell receives the raw sewage into the plant for treatment. It is a highly corrosive environment due to sewer gases and the different types of waste that enters. The current wetwell is a safety hazard because it is a confined space with poor ventilation. The regular cleaning of the wetwell is a major safety issue for wastewater treatment plant employees.

The WWTP is regulated by both EPA and the Kansas Department of Health & Environment (KDHE). On September 30, 2009, the NPDES permit for the wastewater treatment plant is up for renewal. As part of the study, a mock permit was requested from the KDHE. The purpose of the mock permit was to determine what the compliance requirements would be for the renewal permit. The results of the mock permit said that any upgrade or expansion must provide for a full reduction of nitrogen by nitrification and denitrification processes. There is also the possibility of more stringent effluent limits for phosphorus that may be applied.

The current recommended upgrades to the WWTP are at an estimated construction cost of $4,534,600. Of this estimated cost, 76% of the cost ($3,446,296) is due to meeting regulatory, code, safety, age and efficiency issues. The remaining costs of improvements ($1,088,304) are due to capacity and biosolids handling needs. These improvements are needed to ensure the safety of employees, rivers/streams and public health. The costs of the upgrades to comply and ensure safety are burdensome on a small community. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Salina

Address of Requesting Entity: 300 West Ash St., Salina, KS 67402

Description of Project: I have secured $250,000 for the City of Salina. The City of Salina, together with the Salina Area Chamber of Commerce are working to address a key issue that slows the opportunity for job creation and economic development.

The community is developing an innovative approach to housing development to address workforce development issues and to stimulate job creation and the investment of private sector capital. The shortage of homes in selected price ranges is causing supply/demand inflation that prices many buyers out of the housing market or forces them into much more debt than they should incur.

Funds will be leveraged from both public and private sources to reduce the infrastructure development costs that make it challenging to develop affordable housing. A multiphase housing subdivision will be built. The first phase will be approximately 100 lots and be sold to the public and/or direct to builders. The homes will be limited in size to ensure construction of homes that are in short supply for current and future employees.

Federal funds for this project will be used for water line extensions and sewer lines and improvements to the new development. I certify that neither I nor my spouse has any financial interest in this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Emporia State University

Address of Requesting Entity: 1200 Commercial Street, Emporia, KS 66801

Description of Project: I have secured $190,000 for Emporia State University. Biosciences capability for instruction and research at Emporia State University (ESU) exists in the departments of biology and chemistry. The Biochemistry and Molecular Biology (BMB) major and the other existing bachelors and master's degree programs in biology and chemistry produce graduates who have contributed and will continue to contribute to the technical workforce necessary for the biosciences initiatives envisioned by the Kansas Economic Growth Act. To meet the current and long-term challenges for a successful Kansas bioscience enterprise, funding is requested to purchase various equipment that would greatly contribute to Emporia State University's Bioscience Department. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Hutchinson Community College

Address of Requesting Entity: 1300 N. Plum Street, Hutchinson, KS 67501

Description of Project: I have secured $238,000 for Hutchinson Community College. In March of 2008 Hutchinson Community College will break ground on an expansion and renovation of its 40-year old science building into a Physical and Biotechnology Science Center. Donations from private donors and state and local public sources will pay for the necessary remodeling and facility expansion. Federal dollars are being requested to equip the building with required safety, communication, and technical equipment and furnishings appropriate to learning environments.

HCC's enrollment in science courses increased 33% over five years, leveling off only due to physical space limitations. Credit hour generation in science courses constitutes 12% of total college hours. During the 2006–2007 academic year, 2,717 students were enrolled in science coursework generating 11,267 credit hours. Approximately 40% of these students are pursuing careers in Allied Health. Other students are preparing for transfer to four-year baccalaureate institutions and more advanced scientific study. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: McPherson Opera House Company

Address of Requesting Entity: 219 South Main Street, McPherson, KS 67460

Description of Project: The McPherson Opera House was built in 1888 and for a number of years was the cultural, entertainment and civic center for McPherson County. The advent of movies, and to a greater extent television, negatively impacted audiences at the Opera House, and the auditorium, which had become a movie house, closed its doors in 1965.

Approximately $3,000,000 has been raised and spent on the building's rehabilitation, which has included the exterior and the west commercial portion of the building. What remains to be done is the renovation of the auditorium and the construction of the Arts Center beneath the auditorium. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOT, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Kansas Department of Transportation

Address of Requesting Entity: 700 S.W. Harrison Street, Topeka, KS 66603

Description of Project: I have secured $1,520,000 for county road construction and improvements for US–54. In order to provide adequate access to a new ethanol plant approximately 5 miles northeast of the City of Liberal on US–54, the Kansas Department of Transportation will be constructing a new, paved county road. Access to the existing unpaved county road off US–54 is dangerous as there are no turning lanes on the highway which is a High Priority Corridor and the heaviest traveled highway in the Liberal area. A large number of semi-trucks will be entering and exiting the county road which is expected to cause significant delays on US–54 as well as major safety concerns. In addition to constructing the new county road, improvements will be made with the US–54 intersection. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: City of Salina

Address of Requesting Entity: 300 West Ash St., Salina, KS 67402

Description of Project: I have secured $118,750 for the Salina Workforce Housing Project. Funds will be leveraged from both public and private sources to reduce the infrastructure development costs that make it challenging to develop affordable housing. A multiphase housing subdivision will be built. The first phase will be approximately 100 lots and be sold to the public and/or direct to builders. The homes will be limited in size to ensure construction of homes that are in short supply for current and future employees.

This project will address two housing shortages that impact worker availability and economic development at once. The primary target is to develop homes that are appropriate for households with 110 to 130 percent of median income in Salina. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information regarding the earmark I received as part of H.R. 1105—Omnibus Appropriations Act, 2009.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Labor, Health and Human Services bill, FIPSE account

Legal Name of Requesting Entity: Tuskegee University, Tuskegee, Alabama

Address of Requesting Entity:

Description of Request: It is my understanding that the funding would be used to develop and implement curriculum and research for graduate level alternative energy research in the areas of solar, biofuels, fuels, and batteries energy.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Labor, Health and Human Services bill, FIPSE account

Legal Name of Requesting Entity: Alabama Institute for the Deaf and Blind

Address of Requesting Entity: 205 East South Street Talladega, Alabama 35160

Description of Request: It is my understanding that the funding would be used to develop and implement a collaborative employer training and job development program on behalf of the most significantly disabled citizens of Alabama. The Employer Education and Employment Development Program will target individuals who are deaf, blind and deaf-blind, as well as individuals who have developmental disabilities in conjunction with sensory impairment. Likewise, the Program will educate employers, statewide, on the benefits of hiring persons with disabilities. Assistive technology will also be a key dimension of the program for both the employer and employees—used to level the professional and educational playing field for persons with disabilities and enhance long term job performance and stability. This program will be part of a comprehensive worker credentialing program that will incorporate WorkKeys assessments and a standardized curriculum for basic workplace skills. WorkKeys, developed by ACT, is a national system for documenting and improving workplace skills. The program consists of three primary components: Job Profiling, Assessments and instructional support. Currently AIDB is the only known entity in Alabama providing this nationally recognized program to individuals with disabilities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Labor, Health and Human Services bill, ACF account

Legal Name of Requesting Entity: Cherokee County Commission, Alabama Address of Requesting Entity: 100 Main Street Room 100 Centre, AL 35960

Description of Request: It is my understanding that the funding would be used to provide a central location where citizens can

access information and community services that will empower, strengthen, improve the quality of life, and promote self-sufficiency by striving to meet the physical, emotional, developmental, and personal needs of all family members.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, International Trade Administration account

Legal Name of Requesting Entity: Auburn University, Auburn, Alabama

Address of Requesting Entity: 102 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used to acquire state-of-the-art equipment for polymer characterization and processing. Faculty will conduct research on the use of novel polymeric materials in transportation, structure, construction, and other applications, including nanotechnology. Focus will be on development of antimicrobial fibers and films for use in the medical industry and personal protective clothing.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: City of Auburn, Alabama

Address of Requesting Entity: 144 Tichenor Avenue, Suite 1 Auburn, AL 36830

Description of Request: It is my understanding that the funding would be used for a mobile data system for Auburn's Police Division. This consists of in-car computers and associated equipment (routers, wireless networking, e.g.) to equip all of our police vehicles.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: City and County of Montgomery, Alabama

Address of Requesting Entity: P. O. Box 1111, Montgomery, AL 36101 and P. O. Box 1667, Montgomery, AL 36102

Description of Request: It is my understanding that the funding would be used to implement an in-car digital video and server solution for City of Montgomery police vehicles and Montgomery County sheriff vehicles. This system will replace outdated VHS systems that are currently in police and sheriff vehicles and provide new installations in vehicles that are currently without a system. The ultimate goal is to have one upgradeable digital in-car system for the entire fleet and a central depository that will provide video evidence for courtroom presentation.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Auburn University, Auburn, Alabama

Address of Requesting Entity: 102 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used in support of a program to provide local Law Enforcement Organizations with state-of-the-art detector-dog team training for enhancing public safety. The detector-dog and handler team remain the most capable tool for the interdiction of explosive materials and illicit drugs. The capability of such teams is entirely dependent upon the quality of the dog, the dog's training, and instruction of its handler. Auburn University will develop protocols for proper training and conditioning of dog-handler teams, evaluate capabilities of canines and teams, and additionally provide trained teams for local law enforcement in Alabama as a model for national training standards.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: Alabama Department of Corrections, Montgomery, Alabama

Address of Requesting Entity: 301 South Ripley Street, Montgomery, Alabama 36104

Description of Request: It is my understanding that the funding would be used for 3D virtual training for officers in high-risk maximum security facilities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Alexander City, Alabama

Address of Requesting Entity: P.O. Box 552, Alexander City, Al. 35011–0552

Description of Request: It is my understanding that the funding would be used for security upgrades for the old Courthouse building to become a functional Police/Judicial Courtroom/Jail facility while still maintaining the facility's historic integrity.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Montgomery County Commission, Alabama

Address of Requesting Entity: 100 South Lawrence St., Montgomery, AL 36104 P.O. Box 1667, Montgomery, AL 36102–1667

Description of Request: It is my understanding that the funding would be used for the installation of security cameras and security card readers at Courthouse and Annexes, and connection of Annex facilities to central monitoring. Sheriff's Office vehicles will be outfitted with upgradeable digital in-car video system to provide video evidence for courtroom presentation.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Financial Service, SBA account

Legal Name of Requesting Entity: Jacksonville State University, Jacksonville, Alabama

Address of Requesting Entity: Bibb Graves Hall 700 Pelham Road, North Jacksonville, AL 36256

Description of Request: It is my understanding that the funding would be used to significantly improve the technology infrastructure that is used for teaching and research on the Jacksonville State University (JSU) main campus and remote campus locations, and for delivery of courses to distance education students that otherwise would not have access to university courses. The project will include initiatives to: implement improvements to the campus network infrastructure (switches, cabling, network appliances, fiber backbone); enhance internet connectivity—increase bandwidth available to students, faculty and staff for internet access; evaluate capabilities of the 2.5 gigahertz frequency channels licensed to JSU by the Federal Communications Commission (FCC); acquire hardware and software to develop applications that utilize the city-wide fiber network to implement collaborative initiatives with local K–12 school systems; and acquire and install components to expand the wireless network and internet connectivity throughout the campus, to remote campus locations and area schools.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for ongoing cooperative research between USDA, Agriculture Research Service (ARS) and the Department of Fisheries and Allied Aquacultures, Auburn University will develop genomic information. The virulence factors and genomic dissection of resistance genes for various diseases are very important for the resolution of disease problems. The development of a genomic map will provide researchers with a road map to development of more disease resistant catfish and vaccines that are more effective. The role of Auburn University will be to provide assistance, conduct laboratory and field tests at its catfish ponds and farms in Alabama. Auburn University has extensive catfish ponds and expertise in working with Alabama catfish producers on fish health problems.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for an ongoing statewide initiative that is coordinated by USDA–ARS and the funds are shared with ARS, Auburn University (Agronomy and Soils Department & Plant Pathology), Tuskegee University and Alabama A&M. The funds to AU, Tuskegee, and A&M support cooperative projects working on integration of conservation tillage, precision agriculture and management of poultry litter. The AU funding is also used to maintain a state of the art soil testing lab and web based access information system for producers and homeowners throughout Alabama. Increased request for this year is to expand reniform nematode research throughout the state, develop more intense mature management research and expand research on the development of alternative substrates for nursery crop production and biofuel production. Results and future plans are made available to commodity groups and discussed at formal commodity meetings each fall.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for ongoing cooperative research between USDA, Agriculture Research Service (ARS) and the Department of Fisheries and Allied Aquacultures, Auburn University will develop multivalent vaccines against three major concurrent diseases of catfish. Vaccine formulations will be developed and laboratory and field tested for the absence of inference between the different vaccine components, and to be safe and effective against all three diseases. The role of Auburn University will be to provide assistance in vaccine formulation, conduct laboratory and field tests at its catfish ponds and farms in Alabama. Auburn University has extensive catfish ponds and expertise in working with Alabama catfish producers on fish health problems and vaccination.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Extension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for the Auburn University Research Center on Detection and Food Safety. The ARC vision is to improve the safety of the U.S. food system by developing the science and engineering required to rapidly identify, pinpoint and characterize, through an integration of sensor and information technology, problems that arise in the food supply chain.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Extension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used in developing geospatial tools to allow more site specific management of forests, agriculture, and natural resources. This project utilizes geospatial technologies (GPS and GIS) developed by the military and aerospace industries to improve the profitability and efficiency of the forest products industry, agriculture, and other natural resource based enterprises. The project will build on ongoing work in Precision Agriculture.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Extension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for the Tri-State Peanut Research to develop data needed to accomplish the desired impacts, field trials were established in Alabama, Florida and Georgia. Each location conducts similar trials, but decisions concerning best management practices vary with soil types and required baseline data is collected from each location. Six major research sites have been established, two at Auburn's Wiregrass Research Center in Headland, Alabama. One is a farm scale 52 acre irrigated field and the other is a small replicated experimental site. At the University of Georgia's Coastal Plain Experiment Station, Tifton, a 12 acre irrigated experimental plot and a 5 acre experimental site were established. Three sites were established in Florida, two at the North Florida Research and Education Center—a 12 acre site in Quincy and a 150 acre site in Marianna. Another 120 acre site was established on a grower's field.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Energy and Water Appropriations bill, Corps of Engineers, section 206 account

Legal Name of Requesting Entity: City of Phenix City, AL

Address of Requesting Entity: 601 12th Street Phenix City, AL 36867

Description of Request: It is my understanding that the funding would be used to fund the Fall Line Ecosystem Restoration Project to remove two small and underutilized dams to restore fish habitat.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Energy and Water Appropriations bill, Department of Energy, EERE biomass and biorefinery systems R&D account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used by Auburn scientists and engineers to perform integrated investigations of the entire biomass to an energy processing system using thermochemical approaches. Agricultural and forest researchers will optimize the biomass supply chain by testing new methods for harvesting, transporting, and processing forest and agricultural biomass in preparation for gasification. Scientists and engineers will also investigate gasification processes to determine optimal gasification configurations and the corresponding operating parameters. Another component of this research program will focus on the development of cost effective hot gas cleanup technologies necessary for production of high quality synthesis gases suitable for power generation and liquid fuel production.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, National Park Service, Save America's Treasures account

Legal Name of Requesting Entity: Jackson-Community house Historic Foundation

Address of Requesting Entity: 409 South Union Street, Montgomery, AL 36104

Description of Request: It is my understanding that the funding would be used to complete the third phase of the restoration project of the 155 year old Jackson-Community house including landscaping, lighting, driveways, plants, and window treatments.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, Environmental Protection Agency, STAG water and wastewater infrastructure project account

Legal Name of Requesting Entity: City of Alexander City, AL

Address of Requesting Entity: P.O. Box 552, Alexander City, AL 35011

Description of Request: It is my understanding that the funding would be used to provide connector transmission water mains to provide potable water to rapidly developing lakefront areas in south Tallapoosa and north Elmore counties that are currently unserved or underserved.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, Environmental Protection Agency, STAG water and wastewater infrastructure project account

Legal Name of Requesting Entity: City of Opelika, AL

Address of Requesting Entity: P.O. Box 390, Opelika, AL 36803

Description of Request: It is my understanding that the funding would be used for construction of a package treatment plant to serve existing and future industrial development. This facility will provide the needed sewer capabilities at the Industrial Park and other areas around 1–85. This will increase overall capacity in the City and ensure that new industry has the infrastructure it needs immediately upon choosing the Opelika Park.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Transportation & Community & System Preservation account

Legal Name of Requesting Entity: Jacksonville State University

Address of Requesting Entity: Bibb Graves Hall 700 Pelham Rd, North, Jacksonville, AL 36256

Description of Request: It is my understanding that the funding will be used for design and construction of a pedestrian bridge on HWY 21. Highway 21 is a major north/south corridor with excessive vehicle and truck traffic coupled with student, faculty and other local traffic. Pedestrian safety is paramount on a University campus. The design and construction of a pedestrian overpass system across State Highway 21 to improve and ensure student safety is an integral part of Jacksonville State University's Master Campus Plan that includes a safe pedestrian student pathway artery linking major campus destinations. The design and construction of a pedestrian overpass system will greatly protect the students of Jacksonville State University and

improve traffic flow through the city of Jacksonville. Funding would be spent in two phases: 1) on design and 2) actual construction of the overpass system.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Housing and Urban Development, Economic Development Initiatives account

Legal Name of Requesting Entity: Pike Road, AL

Address of Requesting Entity: 4902 Old Pike Road, Pike Road, AL 36064

Description of Request: It is my understanding that the funding will be used for the Town of Pike Road to conduct economic, community, transportation, and infrastructure planning, including a study on light rail using existing rail lines between Pike Road and Gunter and Maxwell Air Force bases. The Town of Pike Road has developed a four-part strategic outline that its citizens endorsed at a town hall meeting. The plan calls for: (a) visionary community and economic planning; (b) excellence in public education; (c) recreation that fits the natural resources of the area; and (d) public safety and services that maintain a high quality of life.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Housing and Urban Development, Economic Development Initiatives accounts

Legal Name of Requesting Entity: Valley, Alabama

Address of Requesting Entity: P.0. 186 Valley, Alabama 36854

Description of Request: It is my understanding that the funding would be used for instillation of elevator to increase access of the Sportsplex to the elderly and disabled population.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Interstate Maintenance Discretionary account

Legal Name of Requesting Entity: City of Auburn, AL

Address of Requesting Entity: 144 Tichenor Avenue, Suite 1, Auburn AL 36803

Description of Request: It is my understanding that the funding would be used for the development of a 430-acre Auburn Technology Park West, including land acquisition and infrastructure construction, both on-site and off-site. Specifically, federal funding is requested for the construction of an extension of West Veterans Boulevard and part of the Outer Loop road to connect with the Technology Park. This road connection would provide a western connection between the City, the Technology Park and a new 1–85 interchange currently being designed. To this end, the City has provided $11,300,000 to fund the development of the West Technology Park, but we still need additional resources to provide the road connectivity needed for access between the Technology Park, the City, and the interstate.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Transportation & Community & System Preservation account

Legal Name of Requesting Entity: City of Opelika, AL

Address of Requesting Entity: P.O. Box 390, Opelika, AL 36803

Description of Request: It is my understanding that the funding would be used to plan and design a perimeter or northern transportation corridor in Opelika. A northern perimeter is needed due to tremendous population growth primarily in the northern sector of Opelika resulting from strong economic growth in every sector-residential, commercial, and industrial. The corridor would ultimately connect US Highway 280 in northeast Opelika with Interstate 85 in northwest Opelika improving highway safety, reducing congestion on inner city streets, and connect new population centers with the growth of employment opportunities in the Northeast Industrial Park.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Aviation Administration, Facilities and Equipment account

Legal Name of Requesting Entity: Montgomery Airport Authority

Address of Requesting Entity: 4445 Selma Highway, Montgomery, AL 36108

Description of Request: It is my understanding that the funding would be used to preserve valuable airport infrastructure. It consists of rehabilitation of the pavement structure of the airport's primary runway, Runway 10/28, whose condition is beginning to deteriorate. This runway is showing signs of advanced deterioration at this time and will not last beyond another year or two without major rehabilitation. Since airport runways do not receive the level of activity that keeps roadways fresh by constantly flexing the asphalt, they tend to oxidize and crack over a period of 10–12 years. This runway has not been rehabilitated since 1996.

REMEMBERING THE LIFE OF JORDI REYES-MONTBLANC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I rise with great sadness as I pay tribute to my dear friend Jordi Reyes-Montblanc who recently passed away. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years as an outstanding advocate for the West Harlem community, fought strongly and passionately for his ideals regardless of how popular the issue.

Jordi was a larger-than-life figure in the West Harlem community. For decades he was one of the area's most energetic activists, fighting for safe streets and cleaner parks, and especially championing the cause of affordable housing and homeownership for New Yorkers of modest means. Jordi delighted in his many contradictions. He was staunchly proud of his Cuban heritage. He was a fierce opponent of Communism who nonetheless fought for not-so-Capitalistic affordable housing policies.

Jordi's story was the stuff of novels. He fled his native Cuba as a young adult in 1958, escaping the winds of communism that eventually swept the island. He joined the U.S. Marines, where he engaged in covert operations in Southeast Asia. Though, he never spoke much about his past to those outside of his closest circle of friends. He was an avid hunter who often demonstrating his trademark frankness.

Jordi was a pioneer in the movement to allow low- and middle-income families to purchase their own apartments through the city's Housing Development Fund Corporation program, and in 1993 he lead the conversion of his own building to a limited-equity co-op.

This activism on housing issues secured his appointment to Community Board 9 in the mid-1990s. It was during that period when he developed a close bond to Councilman Stan Michels, another significant local leader who passed away late last year. As Chair of Community Board 9, Jordi was fearless in speaking his mind on local issues, regardless of who he might offend. That quality could have earned him nothing but detractors on the Board, but instead the reverse happened: he was almost universally respected for his even-handedness and devotion to the community.

Columbia University's plan to expand to a new campus in Manhattanville defined Jordi's tenure as Chair of the local community board. While maintaining that he wasn't opposed to the expansion per se, he became a vocal critic of the displacement of local residents and businesses which would result from the specific plan Columbia was advancing. Jordi thrusted his community board into the center of the fight on this issue, and he become a fixture in the city's media as an outspoken critic of the expansion.

In his blog you can still find his thoughts on what he felt he was about. He states, ''I don't lead, I don't follow and I do the things my heart and conscience tells me are right for me to do, any one is welcome to stand shoulder-to-shoulder with me freely.''

Jordi Reyes-Montblanc will be long remembered for his extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which won the admiration of all who were privileged to come to know and work with him. I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration.

Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Jordi by remembering that he exemplified greatness in every way.

JUDGE TOM ELLINGTON AND ''WE THE PEOPLE''

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of Municipal Court Judge Thomas Ellington in Washington State who received the annual William Nevins Award from the Washington Judges' Foundation for working tirelessly to educate youth about the judicial branch of government. Judge Ellington has spent the entirety of his judicial career working on behalf of ''We the People,'' a high

school program that competes on the knowledge of the U.S. Constitution and what role students play as citizens.

For more than two decades, dating back to his law school days, Judge Ellington has worked to help students understand how to properly engage in democracy and recognize the Constitution as an incredibly influential historic document.

Not only has Judge Ellington played a 'facilitator' role for the ''We the People'' program, but he improved it with innovative ideas: instead of heading into individual classrooms, Judge Ellington brought teachers and students in Washington State to him in the form of voluntary workshops. Whether serving as ''We the People'' advisory board president or simply volunteering his time and knowledge, Judge Ellington employs the heart of a servant.

Such a high and prestigious honor such as the Williams Nevins Award must be awarded to someone in the legal profession who goes above and beyond the call of duty; Judge Thomas Ellington is that person. I want to congratulate for the recognition, thank him for his service to the State of Washington and the Nation and encourage him to continue on his path of leadership and selfless service.

CONGRATULATIONS TO REPRESENTATIVE DOUG BEREUTER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my warmest congratulations to former Representative Doug Bereuter for receiving the 2009 Trailblazer Award from the NEBRASKAland Foundation.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

I can think of no one who sums up the spirit of this award better than Representative Bereuter. His 26 years in Congress is a testament to his long-standing dedication to all Nebraskans. When I look at everything he accomplished during his tenure here in Congress, I am both humbled and inspired. He has truly set a tremendous example for others.

Once again, I offer my congratulations to Representative Bereuter and I thank him for his public service, his leadership, and his friendship.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding funding included in H.R. 1105, the Omnibus Appropriations Act of 2009.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide $4,450,000 in directed funding to Operation UNITE, a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 2,939 drug dealers and removed over $8.4 million worth of drugs off the street, including 83,426 prescription pills, 450 pounds of marijuana, 14 pounds of meth and 20 pounds of cocaine. Over 1,890 non-violent offenders have participated in UNITE-funded drug courts, and more than 1,360 individuals grappling with addiction have received vouchers for treatment. Funding in FY09 will be used to continue vital enforcement activities, effective treatment programs partnered with local governments, community organizations and faith-based groups, as well as expand an intensive education program to warn school children of the dangers of drug abuse.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: NOAA—Operations, Research and Facilities

Legal Name of Recipient: Eastern Kentucky PRIDE, Inc.

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide $1,000,000 in directed funding for Eastern Kentucky PRIDE, Inc., the first initiative specifically created to solve severe environmental degradation problems in southern and eastern Kentucky. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. To date, PRIDE has recruited more than 262,000 volunteers, provided 28,089 homes with access to sanitary wastewater treatment, and cleaned up 131,408 tons of trash.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Recipient: Pulaski County Sheriff's Department

Address of Recipient: P.O. Box 752, Somerset, KY 42502

Description of Request: Provide $50,000 in directed funding for the Pulaski County Sheriff's Department, which currently owns a 1972 OH58 Bell 4-seater helicopter for law enforcement and other emergency service requests within a 100–mile radius in southern and eastern Kentucky. The coverage area requires sound communications operating equipment with a service area that includes mountainous terrain, expansive Lake Cumberland and the Daniel Boone National Forest. The helicopter's land-based on-board communications equipment is outdated and often fails to function properly, creating problems during search and rescue, law enforcement activities and surveillance. This funding will support equipment upgrades that will eliminate existing communications barriers between the helicopter and local/emergency service organizations and ensure timely and effective response to law enforcement and medical emergencies in the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Recipient: National Crime Prevention Council

Address of Recipient: 2345 Crystal Drive, Suite 500, Arlington, VA 22202

Description of Request: Provide directed funding of $500,000 for the National Crime Prevention Council (NCPC) to continue valuable crime prevention activities which directly benefit the Kentucky Crime Prevention Coalition based in Erlanger, Ky. Authorized under Section 626 of P.L. 109–248, NCPC's Crime Prevention Campaign aims to respond to traditional crime, emerging crime trends and changing crime prevention needs in communities around the country, including southeastern Kentucky. NCPC works to help people keep themselves, their families and their communities safe from crime by producing tools that communities can use to learn crime prevention strategies, engage community members, and coordinate with local law enforcement agencies. FY09 funding will be utilized to continue these important activities.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Recipient: SEARCH, National Consortium for Justice Information Statistics

Address of Recipient: 7311 Greenhaven Drive, Suite 145, Sacramento, CA 95831

Description of Request: Provide directed funding of $500,000 for the National Consortium for Justice Information Statistics, which is authorized through P.L. 109–162. SEARCH's National Training and Technical Assistance Program is the only no-cost service for small- and medium-sized criminal justice agencies, providing assistance with: 1) enhancing and upgrading information systems; 2) building integrated information systems; and 3) ensuring compatibility between local systems with state, regional and national systems. In Kentucky, public safety agencies have participated in a specialized SEARCH training course that provides practical, hands-on instruction in cybercrime investigation techniques, as well as utilized SEARCH's technical, computer forensics and criminal history improvement assistance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General (Section 202)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington & Nashville Districts

Address of Recipient: 502 Eighth Street, Huntington, WV 25701 P.O. Box 1070, Nashville, TN 37202

Description of Request: As authorized in Section 202 of P.L. 96–367, as amended, provide directed funding of $9,000,000 for the U.S. Army Corps of Engineers to continue structural and non-structural flood damage reduction efforts in several flood-prone communities in southern and eastern Kentucky.

These important flood damage reduction projects mitigate hundreds of millions of dollars in potential damages. Without Section 202 projects, taxpayers in Appalachian Kentucky would be burdened by an additional $847 million in flood insurance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General (Section 531)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: As authorized in Section 531 of P.L. 104–303, provide $2,000,000 in directed funding for the U.S. Army Corps of Engineers to execute its environmental infrastructure program in southern and eastern Kentucky. The Environmental Protection Agency estimates this region has over $300 million in unmet infrastructure needs. The U.S. Army Corps of Engineers therefore works closely with regional non-profits to determine priority water quality projects. Over 50 innovative regional projects for sewer and water improvements are currently underway or have been completed. Through this program, the U.S. Army Corps of Engineers has helped serve 20,861 homes with sewer improvement projects. FY09 funding for Section 531 projects will continue these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide $54,547,000 in directed funding for continued design, preparation and construction to stabilize Wolf Creek Dam, which impounds Lake Cumberland. The lake mitigates possible flooding to several Kentucky and Tennessee communities, and it is estimated that Wolf Creek Dam has prevented more than $1.3 billion in damages and prevented major loss of life from flood events. The dam also supports a $150 million tourism industry in the region. A $341 million contract for the construction of a 4200-foot concrete barrier wall to eliminate seepage at Wolf Creek Dam was let in July 2008. The project is among the Corps' top dam safety projects in the nation.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District—Lake Cumberland

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide directed funding of $314,000 for the U.S. Army Corps of Engineers to perform needed improvements to degraded Lake Cumberland structures and facilities. These operation and maintenance funds may be used for needed refurbishments around the lake.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of $3,805,000 for the Consortium of Plant Biotechnology Research (CPBR), a nonprofit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Fossil Fuels Research and Development

Legal Name of Recipient: The University of Kentucky—Center for Applied Energy Research

Address of Recipient: 2540 Research Park Drive, Lexington, KY 40511

Description of Request: Provide directed funding of $1,379,675 for the University of Kentucky's Center for Applied Energy Research (CAER) to continue important research regarding the development of strategic coal-based liquid transportation fuels. Rising petroleum prices, national security concerns and limited domestic oil reserves require a serious look at alternative sources of transportation fuels. With this funding, CAER will continue its work towards the production of coal-derived liquid transportation fuels (diesel, aviation fuel, etc.).

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Science

Legal Name of Recipient: The University of the Cumberlands

Address of Recipient: 6191 College Station Drive, Williamsburg, KY 40769

Description of Request: Provide directed funding of $951,500 to the University of the Cumberlands for the development of a science and technology complex. The University currently has 394 students majoring or minoring in mathematics, physics, biology, chemistry, pre-med, pre-pharmacy, pre-dentistry, pre-optometry, pre-physical therapy and pre-veterinary medicine. The facility will provide students with technological training in the medical field, providing increased access to healthcare expertise in an area of southern and eastern Kentucky critically underserved by the medical community. The funding will be used to expand the existing facility to accommodate increased demands.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of the Interior—National Park Service—Land Acquisition

Legal Name of Recipient: Cumberland Gap National Historic Park

Address of Recipient: US 25E S, P.O. Box 1848, Middlesboro, KY 40965

Description of Request: Provide directed funding of $1,150,000 for Cumberland Gap National Historic Park. P.L. 108–07 gave the National Park Service authority to acquire the historic and pristine Fern Lake and surrounding 4500 acre watershed incorporating this area into Cumberland Gap National Historic Park. Fern Lake will eventually serve as a clean and reliable water source for the city of Middlesboro, Kentucky as well as enhance recreational opportunities at Cumberland Gap. Phase 1 of the project has been completed, and Phase 2 acquisition, funded in the FY08 Omnibus Appropriations Act, is underway.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—Science & Technology

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of $750,000 for the Consortium of Plant Biotechnology Research, a non-profit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—Environmental Programs and Management—National Programs

Legal Name of Recipient: Rural Communities Assistance Partnership

Address of Recipient: 1522 K Street, NW Suite 400, Washington DC 20005

Description of Request: Provide directed funding of $2,500,000 for the Rural Communities Assistance Partnership with the EPA. RCAP service providers work with federal and state agencies to help small communities address their drinking water and wastewater treatment concerns. While small, rural communities are home to less than 25% of the nation's population, they account for over 85% of the nation's community water systems. Problems with EPA clean water compliance may arise when small communities lack the oversight capacity and technical expertise to deal with the complexities of maintaining a safe and clean supply of water, and communities with fewer than 10,000 residents are more than twice as likely to violate drinking water standards as are larger systems. Each year, the RCAP network delivers services to more than 2,000 rural communities, 90% of which have populations of 2,500 or fewer, while leveraging an average of $25 in additional funding for every $1 in federal investment. FY09 funding will be equally divided between technical assistance activities related to drinking water and clean water compliance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—STAG Water & Wastewater Infrastructure

Legal Name of Recipient: Breathitt County Water District

Address of Recipient: 1137 Main Street, Suite 305, Jackson, KY 41339

Description of Request: Provide directed funding of $500,000 for the Breathitt County Water District to extend water service to approximately 380 new customers, including the NOAA Weather Station in Jackson, KY. Additional funds are being provided through the Kentucky coal severance program and the U.S.D.A. Rural Development program. This project is vital to providing public water service in an area of our nation suffering from a lack of safe, potable water. The NOAA Weather Service Office in Jackson currently does not have access to safe drinking water and must rely on bottled water to meet daily needs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Forest Service—Forest Systems

Legal Name of Recipient: Daniel Boone National Forest

Address of Recipient: 1700 Bypass Road, Winchester, KY 40391

Description of Request: Provide directed funding of $886,000 for law enforcement activities within the Daniel Boone National Forest. Drug trafficking and production in eastern Kentucky continues to plague the development of our communities, discourage investment and harm our young people. Last year, law enforcement officials eradicated 1,365 plots in the Daniel Boone National Forest, totaling 104,684 marijuana plants. This funding is vital to continuing these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Buses and Bus Facilities

Legal Name of Recipient: LKLP Community Action Council—Hazard, KY.

Address of Recipient: 398 Roy Campbell Drive, Hazard, KY 41701

Description of Request: Through the Kentucky Transportation Cabinet's Office of Transportation Delivery, provide funding of $237,500 for planning and construction of an intermodal transit facility in Hazard, KY. The facility will eventually assist the Leslie, Knott, Letcher, and Pike (LKLP) counties Community Action Council in delivering federal and state assistance services to underserved populations in these counties. LKLP operates a number of federal Public Transportation programs including Section 5311, Section 5310, Section 5316 and Section 5317.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—FAA—Facilities & Equipment

Legal Name of Recipient: Hazard-Perry County Airport Board—Wendell H. Ford Regional Airport

Address of Recipient: P.O. Box 420, Hazard, KY 41701

Description of Request: Provides directed funding of $142,500 for an Instrument Landing System (ILS) at Wendell H. Ford Regional Airport in Hazard, KY for precision azimuth and elevation guidance signals to aircraft. For the 12-month period ending September 21, 2006, the airport had 10,200 aircraft operations, an average of 27 per day: 85% general aviation, 14% air taxi and 2% military. This project will make a more secure environment for military and civilian operations and provide safer landings at this regional airport.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Interstate Maintenance—Discretionary

Legal Name of Recipient: Kentucky Transportation Cabinet

Address of Recipient: 200 Mero Street, Frankfort, KY 40622

Description of Request: Provide directed funding of $712,500 for the widening of Interstate 75 in Rockcastle County, KY Interstate 75 is a crucial part of the Interstate Highway System. Widening of I–75 will continue important ongoing work to address traffic congestion and safety issues along this important national corridor of highway. Several stretches of I–75 have been widened to six lanes in recent years. Long term state highway plans are to widen all of I–75 in Kentucky to at least six lanes.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Federal Highway Administration—Surface Transportation Priorities

Legal Name of Recipient: Morehead Rowan County Economic Development Council

Address of Recipient: 100 Lake Park Drive, Morehead, KY 40351

Description of Request: Provide directed funding of $902,500 for the Morehead/Rowan County Airport Access Road. This access road project provides a critically needed road to a newly constructed regional airport. The access road, approximately 2 miles long, provides access to both the airport and a new 65-acre business park. The project will provide 35 full-time jobs and $3.7 million in economic impact to the county.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: Kentucky Communities Economic Opportunity Council (Gray, KY.)

Address of Recipient: 5448 US 25 East, Gray, KY 40734

Description of Request: Provide directed funding of $285,000 to the Kentucky Communities Economic Opportunity Council, a non-profit community agency that has been serving the residents of southeastern Kentucky since 1964. This project involves the demolition of the vacant and seriously dilapidated Southeastern Kentucky Baptist Hospital building located in Corbin, KY. and provides for a brownsfield-style re-development of a multi-functional public-private housing development for low- to middle-income residents in the City of Corbin. FY09 funding will be used for the architectural, engineering and initial site development work that is required prior to the housing unit construction. The Commonwealth of Kentucky and the Appalachian Regional Commission have provided $660,000 that will be used to remove all hazardous materials from the old hospital facility and demolish the facility once those materials have been removed. The new facility will have 75 units of mixed-style affordable housing.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: The University of the Cumberlands

Address of Recipient: 6191 College Station Drive, Williamsburg, KY 40769

Description of Request: Provide directed funding of $285,000 to the University of the Cumberlands to construct and equip a community health and wellness facility for utilization by the southern Kentucky community. The new facility will bring together the Campus Center, Student Health Center, Recreational Sports Program, Intramural Sports Program and the Community Program to provide educational resources, environmental stewardship instruction and service opportunities, including exercise, public health and wellness training.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Recipient: SEKTDA

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of $700,000 for economic and small business development in southern and eastern Kentucky. SEKTDA is a non-profit, region-wide initiative created to attract travelers and tour industry businesses to the area. SEKTDA's 47 county region is in one of the most depressed areas in the United States and economic and small business development is essential. These funds will contribute to the economic growth of the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Financial Services, ONDCP

Legal Name of Recipient: National Alliance for Model State Drug Laws

Address of Recipient: 700 North Fairfax Street, Alexandria, VA 22314

Description of Request: Provides $1,250,000 in directed funding to assist states with their efforts to address diversion of, abuse of, misuse of, and addiction to prescription drugs. The National Alliance for Model State Drug Laws (NAMSDL) is non-profit organization that serves as a resource for governors, state legislators, drug and alcohol professionals, community leaders, and others striving for comprehensive and effective state drug and alcohol laws, policies and programs. NAMSDL's national network of drug and alcohol experts researches and analyzes model drug and alcohol laws, and facilitates working relationships among state and community leaders and drug and alcohol professionals. The proliferation of addictive pain-relief prescription drugs in Kentucky and across the country necessitates continued funding of NAMSDL programs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of $714,000 for a substance abuse treatment and voucher program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of

drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 2,939 drug dealers and removed over $8.4 million worth of drugs off the street, including 83,426 prescription pills, 450 pounds of marijuana, 14 pounds of meth and 20 pounds of cocaine. Over 1,890 non-violent offenders have participated in UNITE-funded drug courts, and more than 1,360 individuals grappling with addiction have received vouchers for treatment. This funding will be utilized to provide a one-time payment for residential substance abuse treatment for eligible individuals who cannot afford treatment.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of $618,000 for a multi-school substance abuse counseling and curriculum development program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. From the 2004–2008 school years, 35 counselors served 44 school districts in the region. In addition, nearly 65,000 individual and group counseling sessions were provided, and 3,949 referrals to treatment were made. This funding will provide prevention, intervention, and treatment through drug counselors in the local school system.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Manchester Memorial Hospital

Address of Recipient: 210 Marie Langdon Drive, Manchester, KY 40962

Description of Request: Provide directed funding of $95,000 to purchase medical imaging technology at Manchester Memorial Hospital. The equipment includes two ultrasound units, a digital mammography unit, and a C–ARM. Manchester Memorial Hospital is a 63-bed, not-forprofit facility that serves more than 4,000 residents in rural Kentucky. Manchester Memorial Hospital has committed to provide additional funds to complete this project.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Morehead State University

Address of Recipient: 150 University Boulevard, Morehead, KY 40351

Description of Request: Provide directed funding of $238,000 to conduct a health outreach demonstration program in eastern Kentucky. The region has some of the highest rates of diabetes, obesity, and heart disease in the country. This is a targeted and comprehensive project to improve rural health and rural communities. The funds will be used for program development, supplies, health information resources, physician and professional support, and promotional/awareness efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Pikeville Medical Center

Address of Recipient: 911 Bypass Road, Pikeville, KY 41501

Description of Request: Provide directed funding of $95,000 to establish a paperless, all digital hospital. Pikeville Medical Center is a not-for-profit hospital located in the Appalachian Mountains where a significant portion of the population is isolated from access to quality medical care. Implementing health information technology will allow Pikeville Medical Center to increase patient safety and healthcare quality while reducing operational costs. The funds will be used for the purchase of equipment and training programs to establish a digital hospital. Over the past three years, Pikeville Medical Center has invested $9 million in information technology to advance healthcare in the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: HR. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: University of Kentucky Research Foundation

Address of Recipient: 103 Kinkead Hall, Lexington, KY 40506

Description of Request: Provide directed funding of $190,000 for the Marty Driesler Cancer Project, a lethal cancers early detection and awareness program. The program was created in 2004 and the University of Kentucky continues to oversee its application at several regional healthcare centers in rural southeastern Kentucky. The goal of the project is to establish a state-of-the-art early detection and outreach program for people suffering from lung, liver, and esophageal cancer. Funding supports continued collaboration with community partners currently involved in accruing and managing the lung cancer study in the Fifth Congressional District.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Education, FIE

Legal Name of Recipient: Eastern Kentucky PRIDE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of $190,000 for environmental education and awareness to students through the Eastern Kentucky PRIDE program. PRIDE is the first initiative specifically created to solve severe environmental degradation problems in the region. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. This funding supports initiatives in local elementary, middle, and high schools to engage students in environmental stewardship.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Education, FIE

Legal Name of Recipient: The Center for Rural Development

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of $238,000 for the continuation of Forward in the Fifth, a civic literacy program in southern and eastern Kentucky. Begun in 1986, the organization serves 44 Appalachian counties by placing a high priority on literacy education. In addition, Forward in the Fifth has developed and implemented a variety of programs to improve school attendance, enhance science and math instruction, reduce dropout rates, train parents in computer-based education platforms, and increase the number of residents attending college. The program works with local schools, teachers, parents, and the community.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide $545,000 in directed funding for conservation technical assistance grants to the Kentucky Soil Conservation Districts. This locally-led program promotes Kentucky's natural resource priorities and assists in the implementation of various Farm Bill conservation programs on small family farms.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide $724,000 for conservation technical assistance to the Kentucky Soil Erosion Control Cost Share Program. The Kentucky Cost Share Program is implemented in coordination with the Environmental Quality Incentives Program to address Kentucky's natural resource concerns. The funds will be used for engineering, designing, installing, and certification of systems/facilities in order to meet national conservation standards.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 1105, the Consolidated Appropriations for Fiscal Year 2009.

Project Name: Bois Brule Drainage and Levee District, MO Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of $2,130,000 to continue work on a flood damage reduction and deficiency correction project conducted by the U.S. Army Corps of Engineers. Approximately $160,000 is for construction management and engineering for contracts awarding in FY2008; $1,970,000 to award a contract for the Missouri Chute pump station. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Cape Girardeau, Missouri Floodwall

Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau, Missouri

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of $2,575,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. Approximately, $1,910,000 is for pump station work; $665,000 for soil stabilization. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot County Port Authority

Address of Requesting Entity: 619 Ward Avenue, Caruthersville, MO 63830

Description of Request: Provide an earmark of $483,000 for Caruthersville Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $483,000 is for dredging the harbor to authorized levels. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: Clearwater Lake, Missouri (Seepage Control)

Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $23,924,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. Approximately $1,000,000 is for continuation of seismic and hydrologic studies and the implementation of interim risk reduction measures not completed in Fiscal Year 2008. Additionally, $22,924,000 will be used to fund on-going Phase II construction. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of Piedmont, Missouri

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of $2,622,000 for Operation and Maintenance of Clearwater Lake. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: Little River Diversion, Dutchtown, Missouri

Bill Number: H.R. 1105

Account: Section 205

Legal Name of Requesting Entity: Little River Drainage District

Address of Requesting Entity: P.O. Box 159 Cape Girardeau, MO 63702

Description of Request: The Little River Diversion project will be funded at the discretion of the U.S. Army Corps of Engineers, through Section 205 funds. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Section 205 account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN; New Madrid Levee Closure & MO PED Activities

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of $3,800,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. Approximately $1,800,000 is for planning, engineering and design for levee construction work in Luxora and Osceola; $500,000 for New Madrid Levee Closure and Box Culvert; $500,000 for Big Oak Tree water supply; $500,000 for mitigation and flowage easements; and $500,000 for planning, engineering and design activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction account.

Project Name: New Madrid Harbor, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid County Port Authority

Address of Requesting Entity: 435 Main Street, New Madrid, MO 63869

Description of Request: Provide an earmark of $257,000 for the New Madrid County Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately $40,000 is for surveying; $186,300 for dredging the harbor; and $31,000 for scour repairs on the harbor bank. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: New Madrid Harbor (Mile 889), Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96, New Madrid, MO 63869

Description of Request: Provide an earmark of $141,000 for the New Madrid Harbor Mile 889 for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately, $141,000 will be used to completely dredge the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: Southeast Missouri Port, Mississippi River, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: Southeast Missouri Regional Port Authority

Address of Requesting Entity: 10 Bill Bess Drive, Scott City, MO 63780

Description of Request: Provide an earmark of $8,000 for the Southeast Missouri Port for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. The Southeast Missouri Port will use the $8,000 for dredging at the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: St. Francis Basin, AR & MO

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: The Little River Drainage District

Address of Requesting Entity: 1440 Kurre Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of $7,856,000 for St. Francis River and Tributaries, AR & MO Maintenance. This funding will be used for land and damages, cultural resources, engineering, design, construction management and operate and maintain two pumping stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Maintenance account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri

Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of $200,000 for Construction in the St. Johns Bayou and New Madrid Floodway. This funding will be used for preparations necessary to re-advertise and updating plans and specifications to reflect current conditions. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction account.

Project Name: Wappapello Lake, Missouri

Bill Number: H.R. 1105

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of $9,567,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance account.

Project Name: Vitis Gene Discovery Program

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service; RE/FA

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65897

Description of Request: Provide an earmark for $422,000 for scientific research at Missouri State University to explore the genetic resources in wild grapevines for securing the profitability and sustainability of the grape and wine industry. The project also provides an educational base for training students in a modern, interdisciplinary approach using state-of-the-art technology. The funding is budgeted $239,031 for personnel; $71,054 for materials, supplies and other direct costs; $209,971 for facilities and administration. The University is providing annual operating funds for the Mountain Grove Research Campus, as well as in-kind contributions for roughly 33 percent of the project cost.

Project Name: Crop and Aquaculture Loss in Southeast Missouri

Bill Number: H.R. 1105

Account: APHIS; Salaries and expenses

Legal Name of Requesting Entity: Bootheel Resource Conservation and Development, Inc.

Address of Requesting Entity: 18450 Ridgeview Lane, Dexter, MO 63841

Description of Request: Provide an earmark for $207,000 to fund the USDA-APHIS-Wildlife Services in Southeast Missouri. $128,340 is budgeted for salaries and benefits; $41,400 for program support; $20,700 for vehicle maintenance and fuel; $16,560 for supplies and field equipment. USDA-APHIS Wildlife Services provides direct control and technical assistance with wildlife damage issues in Southeast Missouri. The funding is consistent with the intended and authorized purpose of the USDA-APHIS-Wildlife Services. Local municipalities, colleges and universities and commodity groups along with other government funding have contributed $73,100 to this effort.

Project Name: Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program

Bill Number: H.R. 1105

Account: General Provision

Legal Name of Requesting Entity: The Congressional Hunger Center

Address of Requesting Entity: 400 North Capitol Street, NW Suite G100, Washington, D.C. 20001

Description of Request: Provide an earmark of $2,347,000 to fund the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program. The Emerson/Leland Fellowships are a leadership development program for individuals interested in assisting vulnerable children, low income families and populations to overcome the challenges presented by hunger and poverty in 16 countries on 4 continents. The 20 Bill Emerson Fellows have 6 month field placements in 10 U.S. States and 5 month policy placements in Washington, DC. Emerson Fellows work with faith-based groups, anti-hunger organizations, food banks and community food security organizations on Food Stamp outreach projects, increasing the use of farmers' markets, and making school breakfast and summer meal programs available to those in need. Leland Fellows work on humanitarian relief, food and nutrition projects with CARE, Catholic Relief Services, Mercy Corp. and the World Food Program.

For the year ending September 30, 2008 the Congressional Hunger Center's expenditures in administering the Bill Emerson National Hunger Fellowships included: Salaries $743,438; Benefits $95,965; Postage and printing $16,669; Travel and meetings $122,483; Professional services $70,887; Telephone $6,288; Supplies and office expenses $100,107; Program costs $173,601; Allocation of General and Administration Expenses $187,677; Total program/support expenses $1,517,115. For the year ending September 30, 2008 the Congressional Hunger Center's expenditures in administering the Mickey Leland International Hunger Fellowships included Salaries $732,089; Benefits $85,484; Postage and printing $11,222; Travel and meetings $117,415; Professional services $70,887; Telephone $5,649; Supplies and office expenses $98,072; Program costs $164,045; Allocation of General and Administration expenses $181,384; Total program/support expenses $1,466,247. The expenditures for Fiscal Year 2009 are anticipated to be similar.

Project Name: Agriculture in the Classroom

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Missouri Farm Bureau

Address of Requesting Entity: 701 South Country Club Drive, Jefferson City, MO 65102

Description of Request: Provide an earmark for $553,000 for the Agriculture in the Classroom Project (AITC). AITC served nearly 5 million students and 120,000 educators through workshops, conferences, field trips, farm tours, in-service and pre-service training and other educational activities. AITC programs include working with the state AITC programs to leverage $13 million in program support and enhance the efforts of program nationwide. $44,147 is budgeted for administrative costs; $173,315 for salaries; $120,000 for technology; $115,000 for infrastructure; $65,538 for instructional innovative grants and projects; $35,000 for national events.

Project Name: Soybean Cyst Nematode, MO

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of $556,000 for soybean cyst nematode (SCN) research at the University of Missouri. Approximately $455,000 is for salary, wages and fringe benefits for one post-doctoral associate, six research associates, and six hourly technicians; $12,000 is for travel from offices to field research plots and meetings to present research results to other researchers; $70,000 is for supplies to maintain field research plots and to conduct laboratory analysis; $4,000 is for publication of research results in refereed scientific journals; and $15,000 is for winter nursery plots. The soybean cyst nematode has been and remains the most serious pest of soybeans in the U.S.; it suppressed U.S. soybean production by 171.9 million bushels in 2008. The requested funds will enable the University of Missouri SCN research team to continue their path-breaking research and development of SCN-resistant soybean varieties. This team has attained national prominence for their SCN research, and the results of their research impact soybean production in all states where soybeans are grown.

Project Name: Beef Technology Transfer

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of $243,000 to continue research studying the effects of selection for metabolic efficiency in beef cattle on forage intake, nutrient requirements and progeny productivity being conducted at the University of Missouri Southwest Center. Approximately $37,000 is for laboratory supplies needed to conduct the research, $36,000 is for facilities use charges and feed needed for progeny testing, $40,000 is for pasture renovation, $20,000 is for cowherd maintenance costs and feed, $7,000 is for travel, and $103,000 is for salary and fringe benefits charges. This research is to continue the project studying methods to improve feed efficiency and reduce waste excretion and gaseous emissions by beef cattle by the University of Missouri.

Project Name: Center for Agroforestry, Booneville, Arkansas

Bill Number: H.R. 1105

Account: Agricultural Research Service; Salaries and expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For the Center for Agroforestry, Booneville, AR (ARS)—[University of Missouri (MU) Center for Agroforestry, Columbia, MO, and Dale Bumpers Small Farm Research Center (DBSFRC), Booneville, AR], to provide an earmark of $660,000 to support research on viable alternative production and protection options to help revitalize the economic and environmental health of rural farms and communities in Missouri and surrounding states. Approximately, $438,882 [or 66%] is for salary and fringe to support professional track faculty, research associates, field research specialists, graduate and undergraduate students; $201,981 [or 31%] for materials and supplies in support of laboratory and field-based research on campus and at five MU farms and centers; $19,137 [or 3%] for travel. This is year 4 of a 5 year project to continue groundbreaking MU Center for Agroforestry lead research to develop novel, science-based, market-driven alternatives for the family farm in collaboration with DBSFRC in Booneville, AR.

Project Name: Endophyte Research, Booneville, AR

Bill Number: H.R. 1105

Account: Agricultural Research Services; Salaries and Expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Endophyte Research, Boonville, AR (Fescue Toxicosis), to provide $287,550 for the University of Missouri, College of Agriculture, Food, and Natural Resources portion of the ARS Cooperative agreement that include the University of Arkansas and Oregon State University to develop effective management techniques for reduction of challenges associated with fescue toxicosis. Approximately $165,785 will be used

for salary and fringe benefits; $102,496 for supplies such as animals, fescue seed, and analytical material; $15,269 for travel to scientific meetings to present the results of these studies; and $4,000 for publication of the results of these studies. These funds are only for the University of Missouri and allow researchers at these 3 institutions to collaborate with ARS scientists to develop both plant and animal alternatives to ameliorate the annual impact on animals that have consumed tall fescue infected with a common endophytic fungus. The University of Missouri will provide a minimum of 50/50 cost share.

Project Name: Food and Agriculture Policy Research Institute, IA, MO, WI, NV

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of $1,139,000 for the Food and Agriculture Policy Research Institute to provide objective, quantitative economic analysis of agricultural policy alternatives. Approximately $188,000 or 17% is to continue a cooperative agreement with the University of Wisconsin relating to dairy policy; $140,000 or 12% is to conduct analysis of rangeland, cattle and hay with the University of Nevada—Reno; $811,000 or 71% is to be divided between the University of Missouri and Iowa State University to provide a ten-year baseline and policy analysis for U.S. and world agriculture.

Project Name: Mid-West/Mid-South Irrigation, Columbia, MO

Bill Number: H.R. 1105

Account: Agricultural Research Service; Salaries and Expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of $645,000 to conduct research on irrigation in the Midwest/Mid-South (Mw/MS), the region experiencing the highest increase in irrigated acreage in the USA. Irrigation research had traditionally been done in dry parts of the country. However, results from these arid studies from areas where it is continuously dry are not always appropriate to the Mw/MS conditions, which can experience droughty periods followed by heavy rains, has hard pan soils, and disease pressure from high humidity. Since the Mw/MS is a historically underserved area in regards irrigation research, its farmers were not as able to grow irrigated crops as profitably as they could. It is imperative that research be conducted to answer the question of how best to irrigate in a semi-humid area. Research is being done on crop response to water logging, on scheduling irrigation using sensors, on row configurations, on conserving energy, on managing field variability, and growing rice more profitably. The project is a cooperative effort between USDA/ARS and the University of Missouri. Approximately, 80% is for salary and benefits, 12% for supplies, 7% for domestic travel, and 1% for soil and plant tissue testing. The data gathered from these studies have already made a difference in the financial situation of area farmers. Approximately 20% of the irrigators are using scientific irrigation scheduling, which is a much higher rate then most other regions of the USA. This has led to increases in yield that are worth about $13,000,000 annually. The trend line of the regional averaged yield for irrigated crops is increasing at a higher rate than is the trend line for dryland yields. This is an excellent indication that irrigators are becoming more proficient, due in large part to the Midwest/Mid-South Irrigation Project.

Project Name: Rice Agronomy, MO

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Rice Agronomy, MO (CSREES), provide an earmark of $174,000 to complete a rice agronomy project being conducted at the Delta Research Center. Approximately, $139,200 [or 80%] is for salaries and $34,800 [or 20%] is for supplies. The specific objective of the MU Rice Project is to develop production practices adapted to the Upper Mississippi Delta to maximize yield while protecting the environment. The project is being administered through the Delta Center by University of Missouri—Extension.

Project Name: Rural Policies Institute, IA, MO, NE

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES)

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Rural Policy Research Institute (RUPRI), University of Missouri, to provide an earmark of $835,000 to support the ongoing activities of the Rural Policy Research Institute (RUPRI). Of the $835,000, $773,060 is for salaries and fringe and $61,940 is for operating costs. Of the $773,060 for salaries and fringe, $379,159 (49%) is for national policy programs, including the Washington DC staff; $212,834 (28%) is for the core staff in Columbia, MO; and $181,067 (23%) is to support rural entrepreneurship, human services, and analytical programs. The approval of the earmark will unlock a further $298,000 in commitments from Federal, foundation, and university sources.

Project Name: Regionalized Implications of Farm Programs, MO, TX

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of $595,000 for the Food and Agriculture Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) for Regionalized Implications of Farm Programs to provide Congress with information regarding farm financial risk and farm structure and the impacts of alternative agricultural policies on these factors. Approximately $244,000 or 41% is for FAPRI at the University of Missouri to provide stochastic and deterministic baseline and policy scenarios and $351,000 or 59% is for AFPC at Texas A&M University to provide representative farm analysis.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Earmark: Arkansas Research and Technology Park, $100,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Salaries & Expenses

Agency: Small Business Administration (SBA)

Name/Address: University of Arkansas Technology Development Foundation, 535 Research Center Blvd, Fayetteville, AR 72701

Description: The funding will be used to develop a new research facility at the Arkansas Research and Technology Park

Earmark: Arkansas School Resource Officer Program, $500,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: OJP-Byrne Discretionary Grants

Agency: Department of Justice

Name/Address: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Description: The funding will be used by CJI's School Violence Resource Center to develop a program to provide education and training for school resource officers and school officials, provide safe school on-site assessments of Arkansas schools, and provide safe school crisis intervention and management.

Earmark: Arkansas Methamphetamine Education and Training Project, $500,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: COPS Meth

Agency: Department of Justice

Name/Address: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Description: The funding will be used to provide the Arkansas law enforcement community with methamphetamine-focused courses that emphasize officer awareness and safety, effective management and investigation of methamphetamine-related cases, and the identification and rescue of Arkansas's methamphetamine-affected children.

Earmark: National Child Protection Training Center: Southern Region, $500,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: OJP-Byrne Discretionary Grants
Agency: Department of Justice
Name/Address: North West Arkansas Community College, One College Drive, Bentonville, AR 72712
Description: The funding will be used to establish a national training center for the Southern region of the U.S. for the purpose of reducing cases of child abuse and improving support for victims of child abuse
Earmark: City of Fayetteville's Simulcast System for Public Safety Communication, $500,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: COPS Law Enforcement Technology
Agency: Department of Justice
Name/Address: City of Fayetteville, AR, 113 W. Mountain, Fayetteville, AR 72701
Description: The funding will be used for the purchase, installation and implementation of a three site ASTRO 25 LE simulcast radio system for emergency preparedness.
Earmark: City of Fayetteville wastewater system improvements, $300,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: STAG Water and Wastewater Infrastructure Project
Agency: Environmental Protection Agency
Name/Address: City of Fayetteville, AR, 113 W. Mountain, Fayetteville, AR 72701
Description: The funding will be used to continue the existing initiative of rehabilitation of the regional wastewater system and for infrastructure reconstruction.
Earmark: May Branch Flood Control Project, $109,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Investigations
Agency: Corps of Engineers
Name/Address: City of Fort Smith, AR, P.O. Box 1908, Fort Smith, AR 72902
Description: The funding will be used to make improvements to the May Branch drainage way for flood damage reduction
Earmark: Pine Mountain Dam, Arkansas, $478,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Investigations
Agency: Corps of Engineers
Name/Address: River Valley Regional Water District, 811 Fayetteville Avenue, Alma, AR 72921
Description: The funding will be used to complete the general reevaluation study and continue work on the EIS for construction of a lake for flood control, water supply, fish and wildlife enhancement and recreation.
Earmark: Ozark-Jeta Taylor Powerhouse, $16,555,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Construction
Agency: Corps of Engineers
Name/Address: Corps of Engineers, 700 West Capitol Street, Little Rock, AR 72201
Description: The funding will be used to replace turbines with a new design to correct flaws that are causing extensive outages.
Earmark: White River Minimum Flows, $5,000,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Construction
Agency: Corps of Engineers
Name/Address: Arkansas Game & Fish Commission, 2 Natural Resources Drive, Little Rock, AR 72205
Description: The funding will be used to continue work toward the implementation of Minimum Flows at Bull Shoals and Norfolk Dams on the White River pursuant to Section 132 of the FY2006 Energy and Water Resources Development Act (P.L. 109–103).
Earmark: Sparks Regional Medical Center Cancer Treatment Center, $1,189,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: HRSA-Health Facilities & Services
Agency: Department of Health and Human Services
Name/Address: Sparks Regional Medical Center, 1001 Towson Ave, Fort Smith, AR 72917.
Description: The funding will be used to relocate and expand radiation therapy and oncology services to a central cancer center
Earmark: University of Arkansas Medical School (UAMS) IT Project, $95,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: HRSA-Health Facilities & Services
Agency: Department of Health and Human Services
Name/Address: UAMS, 4301 W. Markham, Little Rock, AR 72205
Description: The funding will be used to purchase the equipment that will allow for both distance education for the Northwest Arkansas satellite campus, as well as telehealth in rural areas.
Earmark: North Arkansas College Health Science Facility, $190,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Higher Education (includes FIPSE)
Agency: Department of Education
Name/Address: North Arkansas College, 1515 Pioneer Drive, Harrison, AR 72601
Description: The funding will be used to purchase equipment for the new allied health facilities at the South Campus.
Earmark: Razorback Transit System, Fayetteville, AR, $570,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Buses and Bus Facilities
Agency: Federal Transit Administration
Name/Address: University of Arkansas, Transit and Parking Department, 155 Razorback Road, Fayetteville, AR 72701
Description: The funding will be used for environmental, security and bus upgrades.
Earmark: Statewide Bus and Bus Facilities, $950,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Buses and Bus Facilities
Agency: Federal Transit Administration
Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203
Description: The funding will be used to supplement the State's current buses and bus facilities, as well as assist in the procurement of ADA vans and small buses for 250 community human service organizations.
Earmark: I–540 Interchange Improvements, Washington and Benton Counties, $1,900,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Interstate Maintenance Discretionary
Agency: Federal Highway Administration
Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203
Description: The funding will be used to make improvements along I–540, including adding lanes at on and off ramps and adding capacity to cross streets to allow for the traffic coming from and going to the Interstate.
Earmark: Bella Vista Bypass, $380,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Surface Transportation Priorities
Agency: Federal Highway Administration
Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203
Description: The funding will be used to continue work on the Bella Vista Bypass, which is a critical link to the completion of I–49.
Earmark: Rail Trolley Extension, Fort Smith, AR, $237,500
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Surface Transportation Priorities
Agency: Federal Highway Administration
Name/Address: City of Fort Smith, P.O. Box 1908, Fort Smith, AR 72902
Description: The funding will be used for design and engineering for the western and eastern extensions of the existing electric trolley rail system, which will provide direct links with the Convention Center, Trolley Museum, Fort Smith Museum of History and the new U.S. Marshals Museum.
Earmark: Endophyte Research, $994,000
Requesting Member: Congressman JOHN BOOZMAN (AR–03)
Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009
Account: Salaries & Expenses
Agency: Agricultural Research Service
Name/Address: University of Arkansas Division of Agriculture, ALTH 214, University of Arkansas, Fayetteville, AR 72704
Description: The funding will be used for the continuation of University of Arkansas Division of Agriculture Endophyte research programs.
Earmark: National Center for Agricultural Law, $654,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Salaries & Expenses

Agency: Agricultural Research Service

Name/Address: National Center for Agricultural Law, 107 Waterman Hall, University of Arkansas, Fayetteville, AR 72701

Description: The funding will be used to continue programs at the National Center for Agricultural Law, the leading source of objective, scholarly and authoritative agricultural and food law research and information.

Earmark: Animal Science Food Safety Consortium, $939,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture, E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description: The funding will be used for the continuation of cutting edge research into all areas of poultry, beef and pork meat production from the farm to the consumer's table, including providing solutions for current priorities and long term anticipated needs.

Earmark: Geographic Information System, $1,248,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas, JBFIT 304, Fayetteville, AR 72701

Description: The funding will be used for the continuation of the University's participation in the National Consortium for Rural Geospatial Innovations in America (RGIS), which is comprised of eight sites across the country that helps bring the benefits of geographic information systems and related spatial information technologies to rural and tribal America.

Earmark: Institute for Food Science Engineering, $775,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture 1FSE, E212 AFLS Building, Fayetteville, AR 72701

Description: The funding will be used to carry out IFSE's research on value added processing, safety, nutritional value, packaging storage and distribution of food products.

Earmark: Appropriate Technology Transfer for Rural Areas, $2,582,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Rural cooperative development grants

Agency: Rural Business-Cooperative Service

Name/Address: National Center for Appropriate Technology, 207 W. Center Street, Fayetteville, AR 72702

Description: The funding will be used for the continued operation of the ATTRA national program, which provides free technical assistance to farmers, ranchers and others in all 50 states seeking information on sustainable agriculture technologies, farm energy and information for marketing and adding value to farm products.

Earmark: Enhancing Agricultural Profitability through Specialty Crops, $164,000

Requesting Member: Congressman JOHN BOOZMAN (AR–03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture, E2I2 AFLS Building, Fayetteville, AR 72701

Description: The funding will be used to provide profitable production and processing systems new, innovative and transitioning agricultural producers and processors.

HONORING LEE RHYANT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to honor Lee Rhyant of Marietta, Georgia. For the past nine years, Lee has served as the Vice President and Site Manager for one of Marietta's most important and largest employers—Lockheed Martin. During his tenure at Lockheed, the company has continued to prosper—providing thousands of jobs for 11th District residents.

In addition to his success in the business world, we should all strive to emulate Lee Rhyant's thirst for education and learning. Lee holds a Bachelor of Science Degree from Bethune-Cookman College, an MBA from Indiana University, and has attended London School of Business, MIT, Harvard, General Motors Institute, and the University of Michigan.

Lee and his wife, Evelyn Ingram Rhyant, have raised two wonderful sons—twins actually—who have followed their parent's example of hard work and have both become fine physicians.

Given his involvement in the business community of Cobb County and his active role as a wonderful father and family man, it is hard to believe that Lee has much time to devote to anything else.

However, despite his busy schedule, I could stand here on the House Floor for hours listing the different organizations to which Lee generously donates his time—including the United Way of Cobb County, the Atlanta Area Boy Scouts Council, the Board of Directors of Bethune-Cookman College, and the Safe America Foundation to name a few. Lee Rhyant is truly community service personified.

I ask that my colleagues join me in commending Lee Rhyant for his hard work and dedication to improving the lives of the people of his community.

HONORING THE DISTRICT OF COLUMBIA STUDENTS WHO PARTICIPATED IN THE ''WE THE PEOPLE'' MIDDLE SCHOOL SHOWCASE COMPETITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. NORTON. Madam Speaker, I rise to ask the House to join me in congratulating the remarkable students from The SEED Public Charter School and DC Preparatory Academy. Students from these schools participated in We the People: The Citizen and the Constitution Middle School Showcase on January 7, 2009 for the District of Columbia at the Charles Sumner School Museum and Archives and demonstrated a remarkable understanding of the fundamental principles of our nation.

The students participated in a simulated congressional hearing where they responded to questions on the U.S. Constitution and Bill of Rights from a panel of adult judges. They responded to questions about English philosopher John Locke's view of the purposes of government, the principles embedded in the Declaration of Independence, the compromises made at the Philadelphia Convention, how the Constitution protects our most basic rights, and rights and responsibilities of citizenship.

The We the People: The Citizen and the Constitution is administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the U.S. Congress. It is one of the best programs in the nation to promote a deep understanding of the U.S. Constitution, the Bill of Rights, and the principles they embody.

I would also like to congratulate teachers LaTonya Davis at DC Preparatory Academy and Ian Milne at The SEED Public Charter School who did an exceptional job preparing these young students. I also wish to commend Justin Rydstrom, the state coordinator for the We the People program in the District of Columbia. Special recognition should be given to the National Capital Lawyer's Auxiliary who provided volunteers to make the event a success.

Madam Speaker, I am pleased to submit the names of these young ''constitutional experts'' for special recognition by our colleagues in the House of Representatives and wish them the best of luck as they develop into the future leaders of our nation.

The SEED School: Dymond Andrews, Roshae Ball, Chandler Connelly, Ashley DaCosta, Jevian Gudger, Makayla Head, Joseph Johnson, Loria Pate, Janell Proctor, Michael Moore, Shamari Pratt, Latiece Smith, Daa'Jah Wallace, and Chardae Walter.

DC Prep: Tawfiq Abdul-Karim, Saqwan Adams, Rashawn Alexander, Hakeem Bello, Kyleisha Byrd, Deshaun Cannady, Jennifer Carter, Marc Childs, Carl Costley, William Delaney, Desmond Dixon, Jade Dixon, Shaquille Hall, Tony Hansford, DeVante' Hendren, Lundon Hudgens, Aleia Johnson, Keith Kelly, Martin Marshall, Denzel Mitchell, Kenny Montague, Ken Mutamba, Ryan Perkins, Melissa Reid, Jessica Robinson, Renita Robinson, Jonnae Spann, Ricardo McCrary Steward, Wesley Tebo, Brianna Thomas,

Eddie Vann, Jada Vereene, Taurus White, and Mari Roe Wills.

TRIBUTE TO DR. NEVILLE A. PARKER, Ph.D.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SERRANO. Madam Speaker, as our nation celebrates Black History Month and its theme ''The Quest for Black Citizenship in the Americas,'' it is with great pleasure that I rise to honor Dr. Neville A. Parker, Ph.D., an African-American who has devoted himself to the advancement of science and to broadening the participation of under-represented minorities in the fields of mathematics, technology and engineering. Dr. Parker enjoys a distinguished career in international transportation and has demonstrated an unwavering commitment to professionals in developing countries.

Dr. Parker's academic training in engineering began in 1965, when he received a B.E. in Civil Engineering from the City University of New York. He later received an M.E. in Transportation Engineering and a Ph.D. in Systems Engineering from Cornell University in 1966 and 1971, respectively. Dr. Parker is a Registered Professional Engineer in both the United States and the United Republic of Tanzania.

After receiving his Ph.D., Dr. Parker began his illustrious professional career by teaching Civil Engineering at Howard University. He remained in this post until 1979, the last three years of which he spent at the University of Dar Es Salaam in Tanzania as a Senior Fulbright Scholar. Dr. Parker's talents and leadership were immediately recognized, and soon after arriving he became the Head of the Department of Civil Engineering. Dr. Parker's work on engineering capacity building in Tanzania and East and South Africa began with the delivery of a keynote address at the Sixth Pan-African Conference in 1974. Over the subsequent twelve years, Dr. Parker founded and coordinated several highly regarded professional associations, and authored policy documents, studies, and proposals that drew much needed funding to Africa and transformed the field.

In 1989, Dr. Parker returned to the City College of New York as the Herbert G. Kayser Professor of Civil Engineering and the Director of the City University of New York (CUNY) Institute for Transportation Systems. In this capacity, Dr. Parker set the bar for innovative work with professionals in developing countries through the implementation of training programs and collaborations. From 1987 to 1998, Dr. Parker served as Chief Coordinator for the International Road Federation's annual Executive Conferences on Road Asset Management, attracting over three hundred executive level transportation professionals from more than sixty countries across the globe.

Dr. Parker is widely published in international journals and is the co-author of a foundational textbook on highway engineering challenges in Africa. His multiple leadership roles in national and international professional associations are a testament to the respect that so many of Dr. Parker's peers have for him.

Notwithstanding a demanding travel and research schedule, Dr. Parker has retained a steadfast commitment to the education of CUNY students. His transportation infrastructure management courses and supervision of Masters projects and doctoral dissertations are creating a new generation of scholars and practitioners that, following in Dr. Parker's footsteps, will make their own unique contributions for the betterment of our society. Throughout his professional career, Dr. Parker has worked tirelessly to increase minority participation in the sciences. He was Project Director of the Research Careers for Minority Scholars program at City College from 1989–1997 and is the current Director of the New York City Louis Stokes Alliance for Minority Participation program.

Dr. Parker has admirably extended his expertise, resources, and commitment to a myriad of efforts to improve his local Harlem community. A vital member of the Manhattan Borough President Office's Go Green East Harlem Steering Committee, Dr. Parker is currently developing a simulation model to evaluate the public health impacts of transportation, particularly truck and bus operations, in a larger effort to improve air quality. He previously served as the Co-Chair of the Transportation and Economic Development Committee for the Empowerment Zone application, and is recognized for his research on public empowerment in transportation decision-making processes.

Well-respected among his peers, Dr. Parker has received numerous awards including: the Black Engineer of the Year–Outstanding Educator Award (1994); the Giant in Science Award (1996); and the Outstanding Achievement in Education Award (2003). He was recognized in 2006 as one of the top 25 African Americans in education, science and medicine by New York's Who's Who.

Madam Speaker, Dr. Parker is a role model and an inspiration to us all. His passion for the progress of science and his commitment to expanding opportunities in this field to underrepresented communities is commendable. I ask my colleagues to join me in honoring Dr. Neville A. Parker.

SHARING THE CARIBBEAN'S APPRECIATION FOR PRESIDENT OBAMA'S INAUGURATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I rise today to share the optimism of the Caribbean people in response to the historic inauguration of Barack Obama on January 20th, 2009. The New York CARIB News has deemed the 44th presidency ''a watershed, a significant departure from where we once were as a nation.'' What a great feeling it is to know that when Mr. Obama put his hand on the Bible used by Lincoln to vow to uphold the nation's constitution, it was well received by people of the Caribbean and around the world. I share the sentiment expressed by the reporters of New York CARIB that it was a moment to savor. A news article in the publication titled, ''U.S./Caribbean-Relations: On the Verge of a new Chapter in America and World History,'' makes the case.

[From the New York CARIB News, Jan. 20, 2009]

ON THE VERGE OF A NEW CHAPTER IN AMERICA AND WORLD HISTORY

As a soldier in the civil rights movement of almost half a century ago, a person on the front line of the battle for equality has lived through and has helped to break down the barriers that have opened the flood gates to next week's historic event.

Naturally, John Lewis, a Congressman from Georgia and a sharecropper's son who shared the stage of the ''March on Washington'' in 1963 with Dr. Martin Luther King Jr., quite clearly understands the monumental significance of the official swearing in Washington on January 20th, the inauguration of Barack Hussein Obama as the 44th President of the United States and the nation's first Black Commander-in-Chief. It has been a long time in coming. The road to the inauguration was soaked in the blood, sweat. and tears of millions, both Black and white, who like John Lewis, Marcus Garvey, Dr. Martin Luther King Jr., Malcolm X, Roger Wilkins, and a long list of thousands of major iconic figures in American history, had a vision of what was possible in a country in which race was at the core of public policy.

''Without the Emancipation Proclamation, the sit-ins, the Freedom Rides, the march on Washington, there may not be a Barack Obama,'' was the way John Lewis summed up the set of building blocks, which have placed us on the cusp of a new chapter in America's history. It signals the promise of more than a new way of thinking but a fresh and inclusive approach to decision-making in a nation whose influence affects almost every corner of the globe.

''It's the pinnacle,'' said Roger Wilkins, a former university history professor in Washington, as he reflected on the impact of Obama's November 4th victory at the polls. It stands to reason, therefore, that as we look forward to Tuesday's momentous step we cast our minds back to the days when in 1857 the U.S. Supreme Court in the landmark Dred Scott case decided that Blacks ''had no rights which any white man was bound to respect.'' Next, it took President Abraham Lincoln to issue the Emancipation Proclamation on January 1, 1863 to free all slaves in Confederate States.

Just in case, you think we are delving into ancient history to prove a point, just remember that it was about 50 years ago, George Wallace, Alabama's most notorious segregationist Governor, vowed ''segregation today . . . segregation forever.''

Less than 20 years before that, African American servicemen and women defended this country during the Second World War fighting or serving in segregated units. Who could have imaged back then that we would have lived to see the day when Colin Powell, a Black man with Caribbean family roots, would in less, than 40 years, become the Chairman of the Joint Chiefs of State and much later the U.S. Secretary of State.

And it was during Obama's lifetime, when he was two years old that the Civil Rights Act of 1964 became the law of the law, officially removing the stain of racial prejudice from our lives. It would take decades and scores of legal tests at the highest levels of our state and federal judicial systems to ensure that the Act was accepted by most Americans.

Small wonder, then, that President Bill Clinton once described racism as ''America's curse.''

That's why when Chief Justice Roberts administers the presidential oath of office and Obama puts his hand on the Bible once used by Lincoln to vow to uphold the nation's

constitution that people everywhere, not simply in the 50 states and in the U.S. territories would fully appreciate how far we have traveled and where the country is heading.

But his mere presence in the White House wouldn't be enough to make the nation what we hope and dreamed it would be: a place where all persons would be judged on their merits and not on the color of their skins.

Undeniably, America is not the same. Obama's election and his inauguration are like a watershed, a significant departure from where we once were as a nation. As a matter of fact, he couldn't have captured the presidency without the support of four of every 10 white voters who cast their ballots for him, alongside the 95 per cent of Blacks and the more than 60 per cent of Hispanics.

On Tuesday, people of all ethnic groups, sizes and shapes, not only in the United States but around the world will savor the moment and thank God, Allah, Jesus, you name the supreme being, that they have lived long enough to see it.

It's a feeling like no other.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the record. These projects were appropriated funds through H.R. 1105, the FY2009 Omnibus Appropriations Act.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Agriculture/Cooperative State Research Education and Extension Service/Education & Research

Legal Name of Requesting Entity: University of Georgia

Address of Requesting Entity: P.O. Box 1464 Perry, GA 31069

Description of request: This bill includes $346,000 in funding for the Georgia Cotton Commission to continue funding of its CSREES special research grant, which was funded at $494,000 in FY 2006 and $371,000 in FY 2008. The special research grant will fund valuable research on cotton insect management in the Southeast, where cotton pests are one of the primary causes of cotton yield loss and quality damage. Investing in this innovative research will help further protect our cotton crops, the environment, and our farmers' investment.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/DOJ/COPS Law Enforcement Technology

Legal Name of Requesting Entity: Cobb County Government

Address of Requesting Entity: 100 Cherokee Street, Suite 450; Marietta, GA 30090

Description of request: This bill includes $675,000 for Cobb County, GA to establish an interoperable communications system. Cobb County has been actively working to establish regional interoperability to improve communications and responses to natural or man-made disasters, including threats from terrorism.

Funds for this project will be used to establish microwave connectivity, link systems together and upgrade the radio system's operating platform so that all systems are functioning at the same system level. A wide area network will enable responders from numerous agencies in the metro Atlanta region to coordinate responses and assist with major crises and disasters, both natural and man-made, including small plane crashes, multiple vehicle accidents, chemical spills, tornadoes, and acts of terrorism.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/DOJ/OJP/Edward Byrne Discretionary Grants

Legal Name of Requesting Entity: Inner Harbour

Address of Requesting Entity: 4685 Dorsett Shoals Road; Douglasville, GA 30135

Description of request: This bill includes $100,000 in funding for the Inner Harbor EXCEL Program. This request will help fund the EXCEL Program which emphasizes experiential education, structured team building and outdoor leadership as the methods by which residents develop self-discipline, communication, and socialization skills. The program reduces present costs to the state for juvenile detention, and its low recidivism rates have the potential to save additional funds that would otherwise be used to incarcerate at risk youth in their adulthood.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/OJP/Edward Byrne Discretionary Grants

Legal Name of Requesting Entity: National Center for State Courts

Address of Requesting Entity: 300 Newport Avenue; Williamsburg, VA 23185

Description of request: This bill includes $100,000 for the National Center for State Courts' Knowledge Information Services (KIS). KIS serves as a library and clearinghouse for Congress, federal agencies, and state court constituents, identifying and disseminating best practices on all matters related to court administration and state courts. Funding would help meet increased demand as courts are faced with greater federal requirements. This funding will help with education and technical assistance including education programs (both in-person and via distance learning) will be developed for judges and court personnel as they implement federal policy in areas such as court security, sexual predators and stalkers, child welfare, human trafficking, data exchange and criminal history information sharing, court interpretation, complex litigation. The National Center for State Courts will research and distribute information needed to implement federal policy and respond to major issues currently facing state courts as identified by the Conference of Chief Justices, the Conference of State Court Administrators and other key court personnel such as immigration, terrorism, healthcare, emergency preparedness, global epidemics or pandemics, and court security.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Construction

Legal Name of Requesting Entity: City of Atlanta, Georgia

Address of Requesting Entity: 55 Trinity Avenue, SW Atlanta, GA 30303

Description of request: This bill includes $1,818,000 for Atlanta environmental infrastructure upgrades. This project would improve surface water quality by providing combined sewer capacity relief to capture more storm water and sewage flows that will provide as needed flood relief in the City. The relief system would allow the flow volume, stored on surface streets, to enter the collection system. Excess flow volume would be diverted and captured in a deep tunnel system for later treatment and release. The overall project budget is $3.9 billion and 100% of these funds federally appropriated would be obligated directly to sewer repair. To date, two different bond initiatives have been put in place—one for $865 million and one for $600 million.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes $6,680,000 for the normal operation and maintenance of the Corps of Engineers' Project at Lake Allatoona. This project includes a dam, hydroelectric powerhouse, gated spillway, reservoir, 27 Corps of Engineers recreation areas and 54 non-federal recreation areas. The lake is an important source of storage for the Atlanta Area's water supply. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes $7,150,000 for the normal operation and maintenance of the Corps of Engineers' Project at Carter's Lake. This project includes a dam, hydroelectric powerhouse, gated spillway, reservoir, and recreational areas. This reservoir also serves as a source of storage for North Georgia's water supply. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes $3,173,000 for the normal operation and maintenance of the Corps of Engineers' Project on the Apalachicola, Chattahoochee & Flint Rivers. This operation and maintenance project is critical to the interstate water needs of Georgia, Florida, and Alabama. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes $7,376,000 for the normal operation and maintenance of the Corps of Engineers' Project at Lake Syndey Lanier and Buford Dam. This project includes a dam, reservoir, and recreational areas. This reservoir also serves as an important storage supply for Metropolitan Atlanta and Northeast Georgia. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes $6,912,000 for the normal operation and maintenance of the Corps of Engineers' Project at West Point Dam and Lake. This project includes a dam, reservoir, and recreational areas. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Interior/EPA/STAG

Legal Name of Requesting Entity: City of Atlanta, Georgia

Address of Requesting Entity: 55 Trinity Avenue, SW Atlanta, GA 30303

Description of request: This bill includes $300,000 to provide quality water and sewer services to the residents of Atlanta and South Fulton County, GA. This project includes inspection and repair of 2,200 miles of sanitary sewers throughout the City of Atlanta to improve surface water quality and capture. The overall project budget is $3.9 billion and 100% of these federally appropriated funds would be obligated directly to sewer repair.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Health & Human Services/HRSA

Legal Name of Requesting Entity: Cobb County Board of Commissioners

Address of Requesting Entity: 100 Cherokee Street, Suite 300 Marietta, GA 30090

Description of request: This bill includes $476,000 for use in the construction of a new 22,000 sq. ft. state-of-the-art Multipurpose Senior Health Center in Marietta for seniors in underserved parts of the County. The Center will offer a variety of programs and services designed to meet the physical, mental, educational, and social needs and interests of its users, both ''well'' seniors and ''frail'' seniors. 100% of these funds will be used for renovation of an existing structure.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: HUD/EDI

Legal Name of Requesting Entity: Paulding County

Address of Requesting Entity: 166 Confederate Avenue, Dallas, GA 30132

Description of request: This bill includes $190,000 to be used for site preparation for the Paulding County Airport and Business Technology Park. This business park will encourage balanced, sustainable growth in this fast-growing county, focusing on economic development efforts for recruiting new business and balancing its thriving new-home building industry with sustainable jobs and businesses. 100% of these funds will be used for dirt removal and site preparation so that construction can begin.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: HUD/EDI

Legal Name of Requesting Entity: City of Kennesaw, GA

Address of Requesting Entity: 2529 J. O. Stephenson Ave., Kennesaw, GA 30144

Description of request: This bill includes $71,250 for use in the construction of a downtown plaza and amphitheater as part of a greater redevelopment of the central public venue in the downtown area. This $71,250 will be applied to the over $2,000,000 required to construct the downtown plaza and amphitheater. This downtown area currently sits across from the Southern Museum of Civil War and Locomotive History.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: DOT/FHWA/Interchange Maintenance

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: #2 Capitol Square, Atlanta, GA 30334

Description of request: This bill includes $712,500 for the construction of a fully directional interchange on I–75 near Third Army Road and US Highway 41. The proposed project will reconstruct Third Army Road north of the existing roadway from the interchange to US Highway 41. The existing Third Army Road would remain in order to facilitate local access to residential properties in the area. The interstate ramps would extend along I–75 approximately 1,500 feet. The project will serve northwest Cobb, northeast Paulding, and southeast Bartow, an area that has been experiencing high residential growth over the past few years. 100% of this funding will be used for the initial preliminary engineering phase.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: DOT/FHWA/TCSP

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: #2 Capitol Square, Atlanta, GA 30334

Description of request: This bill includes $190,000 to relocate and widen SR 113 in Bartow County, GA to four lanes for one mile, from Old Alabama Road to SR 61 south of Cartersville. This new connection will reduce congestion and improve safety. 100% of this funding will be used to the ongoing construction phase of this project.

EARMARK DECLARATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. MYRICK. Madam Speaker, I submit the following:

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Subcommittee on Commerce, Justice and Science, International Trade Administration

Legal Name of Requesting Entity: North Carolina State University and [TCY]

Address of Requesting Entity: Contracts and Grants, Administrative Services Building III, Raleigh, NC 27695; and 211 Gregson Drive, Cary, NC 27511

Description of Request: The final bill provides $100,000 to the National Textile Center and Textile/Clothing Technology Corporation [TC]^2 for textile research programs through the International Trade Administration (ITA). The National Textile Center was established to develop new materials; to provide trained personnel, industrial partnerships and technology transfer mechanisms; and to strengthen the nation's textile research and education efforts. [TC]^2 is a consortium of fiber, fabric and apparel producers, organized labor groups, retailers, academic institutions and government agencies focused mainly on improving textile and apparel production techniques.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Subcommittee on Commerce, Justice and Science, OJP—Byrne Discretionary Grants account

Legal Name of Requesting Entity: Central Piedmont Community College

Address of Requesting Entity: P.O. Box 35009, Charlotte, NC 28235

Description of Request: The final bill provides $500,000 to allow Central Piedmont Community College to leverage its computer forensics expertise to further develop a specialized computer forensics curriculum for law enforcement, integrating cyber security business sector training. This funding will further expand the audience of the American Academy for Applied Forensics and provide state-of-the-art crime scene prevention and investigation training or retraining to over 750 participants per year, including law enforcement officers and investigators, banking and financial services technicians, crime laboratory personnel, public school resource officers, probation officers and social services professionals. Federal funding for this project will be used to develop new Computer Forensic/Cyber Crime coursework for law enforcement and private sector training, purchase emerging technology and equipment for instructional purposes, and implement state-of-the-art training for the region.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, New Starts/Fixed Guideway account

Legal Name of Requesting Entity: Charlotte Rapid Transit Extension, Charlotte, NC

Address of Requesting Entity: 600 East Fourth Street, Charlotte, NC 28202

Description of Request: The final bill provides $20,500,000 to support The Northeast Corridor Light Rail Project. One of Charlotte's six transit corridors, the project extends 11 miles from Center City Charlotte through the North Davidson Street and University City areas to I–485 northeast of UNCC. The dual track system will be considered an extension of the South Corridor with 14 proposed stations. Although the exact alignment has not been finalized, it will operate generally within the existing railroad right of way from Center City to North Davidson and then remain within the North Tryon (US 29) right of way from Sugar Creek to I–485 north of UNCC.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, Transportation Planning, Research, and Development account

Legal Name of Requesting Entity: North Carolina Department of Transportation

Address of Requesting Entity: 1 South Wilmington Street, Raleigh, NC 27601

Description of Request: The final bill provides $237,500 to construct the US 74 Monroe Bypass and Bypass Connector.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, Economic Development Initiatives account

Legal Name of Requesting Entity: Town of Huntersville

Address of Requesting Entity: P.O. Box 664, 101 Huntersville-Concord Road, Huntersville, NC 28070

Description of Request: The final bill provides $142,500 to support engineering, construction, and restoration along the ''Gilead Road Corridor.'' This includes the creation of a civic plaza adjacent to town hall, construction of a multi-purpose town hall complex, including municipal offices, public safety offices, and creation of the Discovery Place Kids Museum in the town center and within walking distance to Huntersville Elementary School; development of an arts and cultural center, improved public streets, improved and additional streetscape along Gilead Road, and pedestrian walkways and bicycle lanes. The Project is associated with the overall plan of improved access and attractiveness for new and expanded retail and commercial business in the Town, as well as access to education resources and local government services. Upon completion, the Project will provide increased access (vehicular and pedestrian) to town merchants in a manner designed to increase commerce, improve safety, create jobs, and relieve traffic congestion presently experienced on State Highway 115.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies Appropriations bill

Legal Name of Requesting Entity: Gaston County, NC

Address of Requesting Entity: 128 W. Main Ave., Gastonia, NC 28053

Description of Request: The final bill provides $380,000 to begin preliminary engineering related to the Parkway following January 2009 completion of the planning and environmental studies currently underway.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona Police Department

Address of Requesting Entity: 849 W. Sixth Street, Corona, California, 92882

Description of Request: I have secured $330,000 for the City of Corona Police Department for Interoperability Equipment. The funding would be used to replace outdated communication technology through the purchase of new equipment including new microwave dishes, control station antennas, and new local base station radio equipment. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona Police Department

Address of Requesting Entity: 849 W. Sixth Street, Corona, California, 92882

Description of Request: I have secured $325,000 for the City of Corona Police Department for the Public Safety Wireless Network. The funding would be used to complete work on a high speed wireless network to allow mobile access by Police Officers and Firefighters to the City wireless network and other resources available through the internet. The funding would be used to purchase approximately 10 to 12 base station/repeaters with a mobile device to be installed in each City police and fire vehicle. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Office of the Orange County District Attorney

Address of Requesting Entity: 401 Civic Center Drive West, Santa Ana, California, 92701

Description of Request: I have secured $500,000 for the Office of the Orange County District Attorney for the DNA Expansion Project. The funding would be used to purchase DNA mobile collection vehicles and related equipment, supplies and DNA processing. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Riverside County Probation Department

Address of Requesting Entity: 3801 University Avenue, Suite 400 Riverside, California, 92501

Description of Request: I have secured $500,000 for the Riverside County Probation Department for an Automated Kiosk Reporting System. The funding would be used to purchase 15 automated kiosk reporting systems to be placed at government buildings throughout the county at where offenders would report on a regular basis as directed by their probation officer. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: San Bernardino and Riverside Counties, CA

Address of Requesting Entity: Riverside County Sheriff's Department—4095 Lemon Street, Riverside, California 92501, San Bernardino County Sheriff's Department—655 East Third Street, San Bernardino, California 92415

Description of Request: I have secured $1,925,000 for San Bernardino and Riverside Counties for the joint Regional Fingerprint Identification Project. The funding would be used for ongoing product development, research and pilot programs of the identification project which provides fingerprint, photo and DNA services to all public safety agencies including local police departments, district attorney, school districts, coroner and Sheriffs' Departments in Riverside and San Bernardino counties. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Riverside

Address of Requesting Entity: 3900 Main Street, Riverside, California, 92522

Description of Request: I have secured $895,000 for the City of Riverside for the Public Safety Interoperability System. The funding would be used for the purchase of satellite phones as well as the acquisition, installation, and first year maintenance of Internet Protocol (IP) based radio ''gateways'' and Mobile Satellite WLAN/IP Broadband to achieve interoperability. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Education (FIE) account

Legal Name of Requesting Entity: Riverside Unified School District

Address of Requesting Entity: 3380 14th Street, Riverside, California 92501

Description of Request: I have secured $238,000 for the Riverside Unified School District Virtual School Program. The funding will

be used to provide additional curricular content for the online education program. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Education (FIE) account

Legal Name of Requesting Entity: Riverside County Office of Education

Address of Requesting Entity: 3939 13th Street, Riverside California 92501

Description of Request: I have secured $476,000 for the Riverside County Office of Education School Dropout Prevention and Student Success Initiative. The funding will be used to conduct research and implement reforms to address the origins of students dropping out and to devise solutions to keep students in school and promote their academic success. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Postsecondary Education (FIPSE) account

Legal Name of Requesting Entity: California Baptist University

Address of Requesting Entity: 8432 Magnolia Avenue, Riverside, California 92504

Description of Request: I have secured $238,000 for the California Baptist University Equipment Modernization and Health Care Training Initiative. The funding will be used to purchase specialized equipment for the School of Engineering and the School of Nursing. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Postsecondary Education (FIPSE) account

Legal Name of Requesting Entity: La Sierra University

Address of Requesting Entity: 4500 Riverwalk Parkway, Riverside, California 92515

Description of Request: I have secured $143,000 for the La Sierra University Integrated Biological and Physical Science Laboratory. The funding will be used to purchase equipment for an integrated biological and physical science laboratory. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Labor, Health and Human Services, Health Resources and Services Administration (HRSA) account

Legal Name of Requesting Entity: Riverside Community College District

Address of Requesting Entity: 4800 Magnolia Avenue, Riverside, California 92506

Description of Request: I have secured $333,000 for the Riverside Community College District Allied Health Sciences Program. The funding will be used to purchase equipment for the Allied Health Sciences Program. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Labor, Health and Human Services, Health Resources and Services Administration (HRSA) account

Legal Name of Requesting Entity: Riverside County Regional Medical Center

Address of Requesting Entity: 26520 Cactus Avenue, Riverside, California 92555

Description of Request: I have secured $523,000 for the Riverside County Regional Medical Center Facilities and Equipment Funding. The funding will be used to expand and renovate the trauma unit at the Riverside County Regional Medical Center. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Natural Resources Conservation Service, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 10500 Ellis Avenue, Fountain Valley, CA 92728.

Description of Request: I secured $134,000 for the Municipal Water District of Orange County for Efficient Irrigation. The funding would be used to continue the installation of a smart irrigation controller system that uses cutting edge technology to regulate the amount of water that is delivered based on weather conditions, soil, slope, and type of landscape. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Natural Resources Conservation Service, Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of California, Division of Agriculture and Natural Resources

Address of Requesting Entity: 1111 Franklin Street, 6th Floor, Oakland, CA 94607

Description of Request: I secured $1,531,000 for the Pierce's Disease Research Program. The requested funding will allow the University of California to conduct competitive research projects for Pierce's Disease focusing on wine-grape growing regions and counties as well as for Invasive Species emphasizing on high priority introductions. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $369,000 for the Aliso Creek, CA project. The funding would be used for the Aliso Creek, CA watershed project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $215,000 for the Heacock and Cactus Channels, CA project. The funding would be used for the Heacock and Cactus Channels flood control project in southern California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $339,000 for the Riverside County Special Area Management Plan (SAMP), CA. The funding would be used to complete work on the Riverside County SAMP for the San Jacinto and Santa Margarita River Watersheds in Riverside County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $382,000 for the San Clemente Shoreline, CA project. The funding would be used for a shoreline protection project in San Clemente, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $717,000 for the San Juan Creek, South Orange County, CA project. The funding would be used for the San Juan Creek flood control project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $3,349,000 for the Murrieta Creek, CA project.

The funding would be used for the Murrieta Creek, CA flood control project in Riverside County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $14,000,000 for the Santa Ana River Mainstem, CA project. The funding would be used for the Santa Ana River Mainstem flood control project in southern California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $946,000 for the South Perris, CA project. The funding would be used to produce potable water from an otherwise unusable groundwater resource through the construction of a three million-gallon per day reverse osmosis desalter, feedwater pipelines, and brackish water wells in the Perris South sub-basin. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured $2,871,000 for the Upper Newport Bay, CA project. The funding would be used for the Upper Newport Bay ecosystem restoration project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, CA 91710

Description of Request: I secured $5,000,000 for the Inland Empire Regional Water Recycling project. The funding would be for continued construction of the Inland Empire Regional Water Recycling Project in California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 10500 Ellis Avenue, Fountain Valley, CA 92708

Description of Request: I secured $540,000 for the Orange County Regional Water Reclamation Project. The funding would be used for the completion of the Orange County Regional Water Reclamation Project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Western Municipal Water District

Address of Requesting Entity: 450 Alessandro Boulevard, Riverside, CA, 92508

Description of Request: I secured $100,000 for the Riverside-Corona Feeder. The funding would continue the feasibility study for the Riverside-Corona Feeder project. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Norco

Address of Requesting Entity: 2870 Clarke Avenue, Norco, CA 92860

Description of Request: I secured $500,000 for the City of Norco, Norco Water Treatment Plant Improvements. It is my understanding that the funding would be used for water treatment facilities in the City of Norco, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Orange County Sanitation District

Address of Requesting Entity: 10844 Ellis Avenue, Fountain Valley, CA 92646

Description of Request: I secured $300,000 for the Orange County Sanitation District Secondary Treatment Upgrades. It is my understanding that the funding would be used for construction of upgraded wastewater treatment facilities in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Association of Metropolitan Water Agencies

Address of Requesting Entity: 1620 I Street, NW, Suite 500, Washington, DC, 20006

Description of Request: I secured $2,000,000 for the Water Information Sharing and Analysis Center (WaterISAC). It is my understanding that the funding would be used for intelligence collection and analysis in support of state drinking water agencies, the Environmental Protection Agency, and the Department of Homeland Security. WaterISAC shares intelligence and security threat information with general managers and security managers of public water agencies throughout the nation. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Transit Agency, Bus and Bus Facilities

Legal Name of Requesting Entity: Riverside Transit Agency

Address of Requesting Entity: 1825 Third Street, Riverside, CA, 92507

Description of Request: I secured $950,000 for the Riverside and Corona Transit Centers. The funding would be for the construction of transit centers in cities of Riverside and Corona, CA. On June 18, 2008, I received guidance from the Committee on Standards of Official Conduct that confirmed my belief that I do not have a financial interest in seeking funding in the Fiscal Year 2009 Transportation and Housing and Urban Development Appropriations bill for the Riverside and Corona Transit Centers project.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Interstate Maintenance

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA, 92863

Description of Request: I secured $237,000 for San Diego Freeway (I–5) Widening and Improvement. It is my understanding that the funding would be used to add additional freeway capacity along Interstate 5 in south Orange County with consideration for a potential connection with planned San Diego County high occupancy vehicle lanes on Interstate 5. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Riverside County Transportation Commission

Address of Requesting Entity: 4080 Lemon Street, 3rd Floor, Riverside, CA 92501

Description of Request: I secured $570,000 for the Alameda Corridor East Grade Separations in Riverside County. It is my understanding that the funding would be used to construct grade separations in Riverside County. The Riverside County Transportation Commission would use the funds to address the 61 at-grade highway-rail crossings on the mainline of the Union Pacific and Burlington Northern Santa Fe railroad lines in Riverside County. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92868

Description of Request: I secured $475,000 for SR-91 Improvements, Orange and Riverside Counties, CA. It is my understanding that the funding would be used to make improvements along SR–91, including the SR–91/SR–55 interchange, SR–241 interchange and adding one lane in each direction along the SR–91 from the SR–241 to the Orange and Riverside County line. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: City of San Clemente

Address of Requesting Entity: 1000 Avenida Presidio, San Clemente, CA, 92672

Description of Request: I secured $285,000 for the San Clemente Coastal Trail. The funding would be for the construction of the San Clemente Coastal Trail. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Operation and Management

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Tulsa District and City of Denison.

Address of Requesting Entity: 1645 101 East Avenue, Tulsa, OK 74128

Description of Request: I have secured $238,000 for the City of Denison. The funding will be used to approve access to the water for this project that the entire Lake Texoma Shoreline Management Plan. According to the U.S. Army Corps of Engineers, the Lake Texoma Shoreline Management Plan was opened for a 30-day review in November, 2004, which resulted in the conclusion that a Final Environmental Impact Statement would be required. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Science

Legal Name of Requesting Entity: Texas A&M University-Commerce

Address of Requesting Entity: 2600 South Neal Street, Commerce, TX 75428

Description of Request: I have secured $380,600 for Texas A&M University-Commerce. Funding would be used to implement and operate a high-powered computing grid (a virtual computing environment) that will facilitate the solution of interdisciplinary computational and engineering models, and to develop a computational model of complex electromagnetic wave transmission, propagation, and reception, and analyze that model using new Computational Science methods within the virtual computing environment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: MRT Construction

Legal Name of Requesting Entity: Red River Valley Association

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: I have secured $2,201,000 for the Red River Chloride Project, TX & OK. This project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Funding would be used to improve construction of low flow dams, pump stations, and diversion pipelines to Truscott Brine Dam. This project is a select major water strategy of the 2007 Texas Water Plan for the region and recently the state of Oklahoma expressed a renewed interest in the Area VI element of the project and supports the Area VI reevaluation efforts underway. Area VI is located on the Elm Fork of the North Fork of the Red River in Harmon County, Oklahoma. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Museums and Libraries

Legal Name of Requesting Entity: University of Texas—Center for American History

Address of Requesting Entity: SRH2.101, 1 University Station D1100, Austin, TX 78712

Description of Request: I have secured $285,000 for the Sam Rayburn Library and Museum located in Bonham, Texas, one of five divisions of the University's Center for American History. The funding would be used to expand educational and program services to more people, area educational organizations and traditionally underserved populations to meet the public education mission of the University of Texas at Austin and the Center for American History. The National Historic Landmark is the creation of the man who served as Speaker of the United States House of Representatives longer than any other person: Sam Taliaferro Rayburn (1882–1961). Known affectionately as "Mr. Sam" by his friends and colleagues, Rayburn established the library and museum in 1957 as a tribute to the people of his district and for future generations. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Elementary and Secondary Education (includes FIE)

Legal Name of Requesting Entity: Communities in Schools of Northeast Texas

Address of Requesting Entity: 2886 FM 1734 Chapel Hill Rd, Mount Pleasant, TX 75455.

Description of Request: I have secured $143,000 for Communities in Schools of Northeast Texas in Mount Pleasant. Funding would be used to continue the recognized prevention program and would be used for program maintenance, expansion of current programs and replication in areas where no CIS is located. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of McKinney

Address of Requesting Entity: 222 N Tennessee, McKinney, TX 75070

Description of Request: I have secured $300,000 for the City of McKinney. Funding for this project would be used to replace its current analog system with digital technology that ensures interoperability capabilities, eliminates coverage deficiencies, and accommodates future growth. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: National Aeronautics and Space Administration

Legal Name of Requesting Entity: Space Engineering Institute at Texas A&M University

Address of Requesting Entity: 301 Wisenbaker Engineering Bizzell Street, College, Station, TX 77843

Description of Request: I have secured $500,000 for the Space Engineering Institute at Texas A&M University. Funding for this project will be used to involve undergraduate students in research projects in conjunction with Johnson Space Center. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Greenville

Address of Requesting Entity: 2821 Washington Street, Greenville, TX 75403.

Description of Request: I have secured $570,000 for the City of Greenville. Funding will be used to provide safe transportation of goods, correct federal highway IH-30 and SH-34 bridge repairs and complete the Monty Stratton Parkway Interchange at IH-30 and Monty Stratton. I certify that neither I nor my spouse has any financial interest in this project

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: University of Texas—Center for American History

Address of Requesting Entity: SRH2.101, 1 University Station D1100, Austin, TX 78712

Description of Request: I have secured $142,500 for the Sam Rayburn Library and

Museum located in Bonham, Texas. Funding will be used for the emergency repair and renovation of the Sam Rayburn Library and Museum. Renovations will address structural renovations to the building that will protect the valuable collections and improve the access to an important national historic landmark. The Sam Rayburn Library and Museum, is one of five divisions of the University's Center for American History. The National Historic Landmark is the creation of the man who served as Speaker of the United States House of Representatives longer than any other person: Sam Taliaferro Rayburn (1882–1961). Known affectionately as ''Mr. Sam'' by his friends and colleagues, Rayburn established the library and museum in 1957 as a tribute to the people of his district and for future generations. The building serves to preserve materials relating to the forty-eight year political career of Sam Rayburn. The museum and exhibits provide a rare collection of Congressional and Presidential papers for students, researchers and visitors. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Interstate 69 Texas Alliance

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I have secured $617,500 for the improvement of I–69. Funding will be used to provide direct access to the Port of Houston and relieve congestion for the communities all along the route, providing the most direct route from Mexico and Canada for major commercial centers in the U.S., easing traffic on I–35. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: North East Texas Rural Rail Transportation District (NETEX)

Address of Requesting Entity: 2821 Washington, Greenville, TX 75401

Description of Request: I have secured $95,000 for the City of Greenville. Funding for this project will be used to support track, bridge, and other rail related infrastructure improvements to bring the existing rail line to Class 2 conditions. According to a recent TxDOT valuation and assessment report, the rail line requires extensive maintenance and/or total replacement of infrastructure to support existing and future operations. The proposed improvements will allow rail operations to run from 10 miles per hour to 25 miles per hour as originally intended. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Sulphur River Regional Mobility Authority (SURRMA)

Address of Requesting Entity: 1125 Bonham Street, Paris, TX 75460.

Description of Request: I have secured $95,000 for the Hwy–24, Commerce through Cooper 4-lane completion in Delta, Hopkins, Hunt and Lamar Counties. Funding for this project will be used to keep engineering/development phase of the project on schedule without disrupting the project momentum at Texas DOT. The completion of this transportation project embraces the following five goals; reduce traffic congestion, enhance safety, expand economic opportunities, improve air quality, and increase the value of transportation assets. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. AKIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health and Facilities Services

Legal Name of Requesting Entity: SSM St. Clare Health Center

Address of Requesting Entity: 1015 Bowles Avenue, Fenton Missouri 63026

Description of Request: Provide an earmark of $167,000 for the development and manufacturing of a medication distribution system for St. Clare to reduce the risk of medication errors. Essential elements of the system include: medications for each patient which will be kept in the patient's room, medications will be double locked and entry will be tracked by computer for security and narcotic tracking, and there will be a bar code system and a medication administration record on the computer in the room for additional safety and documentation. Associated costs with this request include development and software and hardware costs.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: ThriVe St. Louis

Address of Requesting Entity: 4331 Lindell Blvd., St. Louis, Missouri 63108

Description of Request: Provide an earmark of $143,000 to expand pregnancy resource services by expanding the facility in which they operate. Expanding physical space by an additional 1,130 square feet will allow ThriVe St. Louis to offer one-on-one counseling for clients and provide a second exam room which could be used for STD testing. The expansion will also give space for volunteers and staff to serve clients effectively, and conduct administrative work and phone counseling. Funding for this request will go towards facility construction, technology and equipment, furnishings and operations.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Missouri Department of Transportation, District 6

Address of Requesting Entity: 1590 Woodlake Drive, Chesterfield, MO 63017

Description of Request: Provide an earmark of $237,500 to upgrade and partially relocate MO Route 141 in St. Louis County, MO and help complete a 33-mile four and six lane north-south connector that will run between I–55 in Jefferson County and MO Rt 370 in north St. Louis County. This project will provide traffic mitigation locally and regionally by serving as a reliever for overloaded I–270, provide safety improvements by diverting traffic away from the entrances to a high school and middle school eliminate two major at-grade crossings (one which floods intermittently) and promote regional business and employment growth. This project received $800,000 in FY05 Appropriations, $2.88M in SAFETEA–LU and $250,000 in the FY08 Omnibus Appropriations Act. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Missouri Department of Transportation, NE District

Address of Requesting Entity: PO Box 1067, South Route 61, Hannibal, MO 63401

Description of Request: Provide an earmark of $190,000 to conduct a study and engineering plan for Route 61 in Lincoln and St. Charles Counties, Missouri. This project will look at what must be done in Lincoln and northern St. Charles Counties to improve a four-lane highway to a limited access expressway with outer roads slip ramps and new interchanges. Vigorous regional growth has resulted in an accident rate twice the state average along the corridor particularly at intersections. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 1590 Woodlake Drive, Chesterfield, MO 63017

Description of Request: Provide an earmark of $1.14 Million to Page Avenue Extension, Phase II in St. Charles County Missouri. This is the second of three phases needed to connect US 40/61 (I–40) in St. Charles County

with I–270 in St. Louis County 20 miles east. When the overall project is finished, this will extended Route 364 will be on the NHS and serve as a relief corridor for I–70 to the north and I–64 to the south. Phase I is finished. Phase II will upgrade a 4.6 mile section of MO Route 94 to interstate standards for traffic mitigation, business continuation and development along the corridor and for increased safety by eliminating 6 major at-grade crossings. Phase II receive $1 million in FY05 Appropriations and $34.6 million in SAFETEA–LU. It received another $250,000 in FY08 Appropriations. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Saints Joachim and Ann Care Service

Address of Requesting Entity: 4112 McClay Road, St. Charles, MO 63304

Description of Request: Provide an earmark of $142,500 for the acquisition and renovation of a building for use as a Tri-County Outreach Center. Saints Joachim and Ann supports families in crisis in Lincoln, Warren and St. Charles counties. The current lack of space impedes the case manager's ability to provide necessary family assistance and requires the use of other locations to meet with families including personal vehicles, city parks, hotels and shelters. Renovation of the building is required to provide interview rooms, expanded food pantry, case manager work areas and space for other agencies to provide family social service support.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Monarch-Chesterfield Levee District

Address of Requesting Entity: c/o Mr. William S. Kirchhoff, Treasurer, MCLD, 17627 Wildhorse Creek Rd, Chesterfield, MO 63005 USA

Description of Request: Provide an earmark of $3.349 million to complete construction of closure structures and pump stations. Funding from this request could be used to construct the Baxter Road closure structure and initiate design of the Walnut Grove flood wall at Long Road. These structures will augment completed earth works that provide 500-year protection to over 700 businesses. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by the Water Resources Development Act (WRDA) of 2000, Section 101(b)(18). The Monarch-Chesterfield Levee District will provide its cost share in accordance with Federal cost-sharing requirements for Federal flood protection projects, 65 percent Federal, 35 percent non-Federal, and the non-Federal funding will come directly from the Levee District.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, St. Louis District

Address of Requesting Entity: 1222 Spruce Street, St. Louis, MO 63103

Description of Request: Provides an earmark of $19.027 million for current year operation and maintenance on an aging system of locks and dams. Basic operation and maintenance will provide a nine-foot navigation channel, regulating works, dike and revetment, dredging, environmental compliance and environmental stewardship. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account and has previously been authorized by the Overton Act of 1936 and the Flood Control Act of 1944. This funding category is 100 percent Federal and has no local entities that are subject to cost share requirements.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of $8.604 million for the first phases of construction of new 1,200 foot lock chambers at L/Ds 20,21,22,24,25, LaGrange and Peoria; for implementing small-scale navigation aids; and beginning ecosystem restoration projects along the Mississippi River and Illinois Waterway. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Investigations account and has previously been authorized by P.L. 99–662 and P.L. 110–280 Sec. 8001–8005. This project is 100 percent Federal and has no local entities that are subject to cost share requirements.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of $17.713 million for addressing the adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by P.L. 99–662 Sec. 1103 as amended. This project is 100 percent Federal and has no local entities that are subject to cost share requirements.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership Standards on Earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: $2,010,000 to the Army Corps to complete the reformulation study and continue monitoring a project to protect Long Island's south shore from beach erosion and storm damage. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: Town of Babylon

Address of Requesting Entity: 200 East Sunrise Highway, Lindenhurst, NY 11757

Description of Request: $465,000 for the dredging of a federal channel and placement of appx. 1 million cubic yards of sand along the shoreline for erosion control at Gilgo Beach and Robert Moses State Park. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Investigations)

Legal Name of Requesting Entity: Village of Bayville

Address of Requesting Entity: 34 School Street, Bayville, NY 11709

Description of Request: $96,000 to complete the feasibility phase of the benefits of a storm damage protection project in Bayville. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Suffolk County Volunteer Firefighter Burn Center Fund

Address of Requesting Entity: P.O. Box 765 Smithtown, NY 11787

Description of Request: $285,000 for a living skin bank clean room (equipment). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Christa House

Address of Requesting Entity: 720 Albin Avenue, West Babylon, NY 11704

Description of Request: $176,000 for hospice care for the poor (physical repairs, administrative costs, and insurance). I certify that

neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Capital Investment Grants

Legal Name of Requesting Entity: New York City Metro Transit Authority

Address of Requesting Entity: 347 Madison Avenue, New York, New York 10017

Description of Request: $209,623,898 for the development of Long Island Rail Road East Side Access. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—NOAA (Operations, Research & Facilities)

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 526 Bay Avenue Point Pleasant Beach, NJ 08742

Description of Request: $1,000,000 for a multi-state research initiative in New York and New Jersey to address data limitations restricting management of summer flounder in the Mid-Atlantic. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: U.S.-Ireland Alliance

Address of Requesting Entity: 2800 Clarendon Boulevard Arlington, VA 22201

Description of Request: $500,000 for the George Mitchell Scholarship Program a nationally competitive scholarship award for 12 US college graduates to do a year of postgraduate study at universities in Ireland and Northern Ireland. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Transportation, Community, & System Preservation

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $570,000 for the design, engineering, and construction of the Glen Cove Connector Road. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD (Buses and Bus Facility)

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $950,000 for the design, engineering, and construction of the Glen Cove Connector Multi-Modal Parking Hub. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Ferry Boats & Terminal Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $950,000 for engineering and construction of the Glen Cove Ferry Terminal. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $120,000 for the Glen Cove Police Department for equipment and technology upgrades, surveillance equipment, and public safety improvements to respond more effectively to emerging threats such as MS–13 and other gang activity. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street Glen Cove, NY 11542

Description of Request: $142,500 for renovations and streetscape improvements to the city of Glen Cove. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: Hofstra University

Address of Requesting Entity: 101 Hofstra University Hempstead, NY 11549

Description of Request: This report language would allow Hofstra University to apply for funding for its Center for Strategic Language training which will specialize in Middle Eastern and Central Asian languages such as Arabic and Persian, as well as Punjabi, Urdu, and Hindi. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Coalition Against Domestic Violence

Address of Requesting Entity: 250 Fulton Avenue, Suite 300, Hempstead, NY 11550

Description of Request: $350,000 to create a legal resource network of pro-bono attorneys to provide critical legal services for low-income and indigent victims of domestic violence, rape/sexual assault, and elder abuse. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue Mineola, NY 11501

Description of Request: $380,000 for an initiative to reduce gun and gang violence through increased surveillance, debriefings, investigations, and undercover work. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Interior & Environment—EPA (STAG Water and Wastewater Infrastructure Project)

Legal Name of Requesting Entity: Suffolk County Department of Works

Address of Requesting Entity: 335 Yaphank Avenue Yaphank, NY 11980

Description of Request: $500,000 for the planning, design, and replacement of a deteriorated existing bay outfall pipe. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (FUSRAP)

Legal Name of Requesting Entity: Verizon

Address of Requesting Entity: 140 West Street, New York, NY 10007

Description of Request: Report language to initiate the cleanup of the former Sylvania nuclear fuel site in Hicksville, NY. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Commerce; NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Bowling Green State University

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403

Description of Request: $355,000 for monitoring of Lake Erie water quality with remote sensing for Bowling Green State University and Heidelberg College, in partnership with the consortium partners of OhioView and the Great Lakes Environmental Research Laboratory (GLERL). The funding will be used to continue the project of monitoring algal blooms in Lake Erie with LANDSAT TM satellite data. This will allow for real-time, continuous monitoring and assessment of harmful algal blooms and coliform in Lake Erie and its Southernshore tributaries. This research is authorized by the Harmful Algal Bloom and Hypoxia Act of 2003. The funds will be used to develop the systems for determining cyanobacteria in Lake Erie and in local water supplies and to continue to collect data for analyzing and further study. This project began in 2006 and provides continuous monitoring from the satellite data of the potentially harmful algal blooms. I

certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: DOJ; OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Defiance College

Address of Requesting Entity: 701 N. Clinton Street, Defiance, OH 43512

Description of Request: $145,000 for genetic analysis equipment for Defiance College's Forensic Science program. Due to the critical need for trained forensic scientists, the requested funds will be used to expand the capability of Defiance College's dedicated forensic science lab to include an Applied Biosystems 3130 Genetic Analyzer. This crucial piece of equipment is found in all professional forensic science labs and it is important for students to be trained with this equipment to prepare them for the workforce. It is my understanding that Defiance College is providing the remaining share towards the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: U.S. Department of Energy; Energy Efficiency and Renewable Energy account

Legal Name of Requesting Entity: Bowling Green State University

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403

Description of Request: $951,500 for the Coastal Ohio Wind Project: Collaborative Research Effort in Onshore/Offshore Wind Energy Development. Funding would be used for project expansion by its partnership with the University of Toledo to include advance remote sensing research for off-shore applications and to gather site data with a temporary tower on the Firelands campus, ultimately to test new wind turbine technologies. The project will promote the use of renewable energy by conducting research and testing wind power and developing wind energy for the region. The partners in the projects have committed to match the federal funding at the required level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Investigations

Legal Name of Requesting Entity: The Northwest Ohio Flood Mitigation Partnership

Address of Requesting Entity: 101 West Sandusky Street, Findlay, OH 45840

Description of Request: $119,000 for the U.S. Army Corps of Engineers for funding regarding the Western Lake Erie, Blanchard River Watershed. Funding would be used to perform a comprehensive Flood Damage Reduction and Ecosystem Restoration study, and related activities. The U.S. Army Corps of Engineers has completed a preliminary feasibility study of the entire Blanchard River Watershed, and recommended a further flood control feasibility study. The partners in the projects have committed to match the federal funding at the required level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Construction

Legal Name of Requesting Entity: City of Fremont

Address of Requesting Entity: 323 South Front Street, Fremont, OH 43420

Description of Request: $500,000 for the Off-Stream Water Supply Reservoir project in regards to Ohio Environmental Infrastructure. Funding would be used for construction of a new off-stream water supply reservoir to replace an existing reservoir impounded by the Ballville Dam on the Sandusky River. The new reservoir will provide drinking water to approximately 22,000 people in the City of Fremont and surrounding area. The new reservoir is necessary to eliminate nitrate maximum contamination level (MCL) in the City's drinking water. There will be two phases of the project, with Phase I consisting of building the reservoir and Phase H consisting of the raw water intake, pumping station and water mains to and from the reservoir. It is my understanding that the state and local share will be $14.5 million of the cost share. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Section 205

Legal Name of Requesting Entity: The Village of Ottawa

Address of Requesting Entity: 136 North Oak Street, Ottawa, OH 45875

Description of Request: $252,000 for the U.S. Army Corps of Engineers for funding regarding the Village of Ottawa Flood Control and Mitigation Reconnaissance and Feasibility Studies. Funding would be used for a Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Ottawa, Ohio. The funding would fulfill the Federal share needed to complete the Feasibility Study. The Village of Ottawa has allocated $250,000 to fulfill the required non-Federal match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Defiance

Address of Requesting Entity: 631 Perry Street, Defiance, OH 43512

Description of Request: $300,000 for the Defiance Combined Sewer Overflow Elimination project. The funding would be used for engineering for three subprojects and construction for three other subprojects. The wastewater infrastructure of Defiance, Ohio is in need of improvement. The city's 44 combined sewers have been divided into 20 subprojects. There will continually be one project in sanitary sewer evaluation survey, one project in engineering design, and one project in construction. These projects will separate virtually all the combined sewers in Defiance and will eliminate discharge of untreated/partially treated sewage into the Auglaize River, the Maumee River, and Lake Erie. The City of Defiance will provide at least the local matching funds in the amount of 45%. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Putnam County Educational Service Center

Address of Requesting Entity: 124 Putnam Parkway, Ottawa, OH 45875

Description of Request: $238,000 for the Putnam County Education Service Center (ESC). The funding would be used for Project MORE: Mentoring in Ohio for Reading Excellence. The MORE program is a volunteer reading mentoring project designed for students with disabilities. Through the program children with disabilities receive one-on-one structured, volunteer reading mentoring 3–4 days per week. These funds will be used to start 30 additional Project MORE programs in Ohio, as well as outside Ohio. The project is intended to create awareness to expand the use of the volunteer reading mentoring program throughout the nation. The remaining funds for the project will be supplemented by local partners in the program. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman Robert E. Latta

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)-Health Facilities and Services Legal Name of

Requesting Entity: Visiting Nurse Association Healthcare Partners of Ohio

Address of Requesting Entity: 2500 East 22nd Street, Cleveland, OH 44115

Description of Request: $95,000 for the Visiting Nurse Association Healthcare Partners of Ohio. The funding would be used to purchase daily tele-monitoring equipment for the Telecare Program for Chronically Ill Seniors. This program provides daily monitoring via a small, clock-like device that "talks" to the patient and collects essential baseline vital signs. Data is wirelessly or telephone transmitted to the central receiving station at the home health agency office. It is my understanding that besides the requested appropriation amount, the state of Ohio and program partners are providing the local cost share. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)-Health Facilities and Services Legal Name of

Requesting Entity: Memorial Hospital

Address of Requesting Entity: 715 S. Taft Avenue, Fremont, OH 43420

Description of Request: $190,000 for Memorial Hospital in Fremont, Ohio. The funding will

be used for the Herbert-Perna Center for Physical Health Expansion project. This 29,000 square foot building houses Memorial Hospital's physical, speech, and occupational therapies as well as HealthLink, the region's largest occupational health provider. HealthLink provides services to many companies in the region and saves significant dollars by providing overall wellness programs. The funds will be used to finish the construction of the Center and therefore offering X-ray services in the Center. This will allow workers to continue to rely on the program and return to work quicker. It is my understanding that the hospital is contributing $5,350,000 towards the project, with an additional $950,000 being provided through local and community support. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, OJP Byrne JAG discretionary grants

Legal Name of Requesting Entity: City of Suffolk, Virginia

Address of Requesting Entity: 441 Market Street, Suffolk, Virginia 23434

Description of Request: Provides $200,000 for the Suffolk Initiative on Youth (SIY) Crime Prevention Plan, which is a comprehensive effort to address youth crime and gang involvement in the City of Suffolk, Virginia. Over the last five years, the City of Suffolk has witnessed a significant rise in youth crime and violence, including assaults, burglary, property crimes, and homicide. In 2006, the Suffolk City Council appointed a task force of over 30 representatives of city agencies, local law enforcement, youth service providers, business leaders, faith-based organizations, teachers, parents, and youth to develop recommendations for developing positive alternatives to crime for Suffolk's youth. Among the recommendations is the creation of an Office on Youth, youth workforce development initiatives, new afterschool programs, and gang prevention awareness.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, COPS law enforcement technology

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides $300,000 to purchase a variety of technology related projects to upgrade outdated systems and improve operations. These projects include installing cameras, portable interoperability radio bridge system, watch tower, driving simulator and other law enforcement projects.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, OJP Byrne JAG discretionary grants

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $100,000 for a Gang Coordinator within the Police Department and community prosecutor program to develop a comprehensive prevention, suppression and intervention strategies related to gangs and gang-related crimes. The City's law enforcement efforts need to be supplemented with front and back-end deterrence efforts. The Chesapeake Police Department estimates in 2006 that there were 26 identified gangs in Chesapeake, with an estimated 2,000 members. This number represents a significant increase from 15 identified gangs with 1,300 estimated members in 2005. In recent years, there has been an observed increase in the presence of all-female and Hispanic gangs, with four of each now identified. The Police Department's Intelligence Unit has identified numerous major gangs and their affiliates operating throughout all five precincts within the City. In response to the identification of major gang activity, in May 2006 the Mayor and City Council appointed the Mayor's Task Force for the Prevention of Gangs. The Task Force is comprised of community leaders representing major stakeholder organizations.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Supports $1,692,000 in the President's budget request for the Albemarle and Chesapeake Canal (ACC), on the Atlantic Intracoastal Waterway, which is a naturally protected navigation route between the Southern Branch of the Elizabeth River and the VA-NC state line in the North Landing River, a distance of 27 miles. The ACC is of critical importance to transportation, especially to the U.S. Navy which transported over 55 million gallons of jet fuel yearly from the Craney Island to Oceana Naval Air Station in Virginia Beach. Failure to fund the ACC will result in the Navy being unable to meet the fuel demand of the Oceana Naval Station. The Navy has stated that trucking this much fuel would not be feasible on a long-term basis. In addition, commercial and recreation vessels travel the ACC in lieu of the Atlantic Ocean to prevent entry into the dangerous waters off Cape Hatteras. An average of over 1,000,000 tons of commerce passed though the Great Bridge Lock yearly. Funds will be used to continue to operate the navigation lock, swing bridge, and canal.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: Petersburg, Virginia

Address of Requesting Entity: Petersburg, Virginia

Description of Request Provides $527,000 for the Army Corps of Engineers to dredge the Appomattox River to restore the River's navigability. The dredging of the Navigation Channel will be of benefit to the region in that it will: (1) restore the Appomattox River to the free-flowing, fully navigable river that it was until the late 1970's; (2) reconnect the City's harbor to the navigable portions of the Appomattox River; (3) serve as a catalyst for the commercial and residential revitalization of historic downtown Petersburg; (4) enhance local and regional tourism and recreational opportunities; and (5) improve the environmental condition of the Appomattox River.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $59,000 for the Dismal Swamp and Dismal Swamp Canal. The remnants of Hurricane Floyd (13 September 1999) caused significant flooding in the city of Chesapeake and the surrounding region. The Dismal Swamp is maintained as a swamp by fixed weirs across the drainage ditches to restrict the flow of water out of the swamp and inward to Lake Drummond in the middle of the Dismal Swamp. The water exiting Lake Drummond through a feeder ditch is used to maintain the level of water in the Dismal Swamp Canal, a portion of the Atlantic Intracoastal Waterway. When Lake Drummond spilled from its banks due to heavy rains, it inundated areas of the City. The public perceives that the Corps may have prevented or minimized the flooding by diverting the floodwaters from Lake Drummond through the navigation locks at Deep Creek, Virginia, and at South Mills, North Carolina. The feasibility study will address these concerns as well as opportunities to provide for environmental restoration.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $478,000 for the Atlantic Intracoastal Waterway Bridge at Deep Creek, Virginia. The bridge, constructed in 1934, is a federally owned and operated facility and assists in navigation. The bridge passes over the Dismal Swamp Canal where U.S. Route 17 crosses in the city of Chesapeake. The city of Chesapeake requested the need to modify or replace the bridge. In October 1996, the approved Initial Appraisal concluded that the bridge is functionally obsolete because of its narrow roadway and poor alignment with the connecting roads, compounded by increasing traffic volumes. Nine pieces of fire apparatus are currently allowed to cross the bridge only during emergency situations. The preliminary plan is to replace the bridge with a five lane, split leaf pit bascule bridge. The City of Chesapeake (local sponsor) will assume ownership and OMRR&R responsibilities of the new bridge.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations

Legal Name of Requesting Entity: City of Franklin, Virginia

Address of Requesting Entity: City of Franklin, Virginia

Description of Request: Provides $96,000 for the Chowan River Basin. There are no federal flood control projects in the Chowan River Basin. In many locations within the basin, six of the top 10 historical high water marks have occurred from 1998 forward, including the flood of record (Hurricane Floyd in 1999), October 2006 cold core upper level low (second highest), and Hurricane Isabel in 2003 (5th highest). Damages from these storm events have ranged from $10M to over $100M (February 2008 dollars). The reconnaissance study will evaluate the Federal interest in ways to protect the water resources of this highly productive basin with particular emphasis on restoring wetlands and forested buffers lost from erosion and flooding, reducing flood damages throughout the basin, and improving navigation and to determine the Federal interest in conducting a more detailed feasibility study.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $898,000 to support the President's budget request for the Dismal Swamp Canal. The Dismal Swamp Canal on the Atlantic Intracoastal Waterway is a naturally protected navigation route that parallels the Atlantic coast. The canal is the oldest operating artificial waterway in the United States. The DSC was placed on the National Register of Historical Places and registered as an ASCE Landmark in 1988 and in 2004 it was included in the National Park Service's Underground Railroad Network to Freedom Program. The authorized depth of the canal is 10 foot; however, the project is currently maintained at 6–7 feet. The DSC provides navigation needs for vessels to travel the protected waterways of the AIWW in lieu of traveling through the Currituck Sound. The project also consists of one highway drawbridge and navigation lock, one highway drawbridge and navigation lock, and three water control structures. Funds will be used to continue to operate the low level water control structures, navigation locks, bridges, and canal and perform some critical backlog maintenance.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $93,000 to support the President's budget request for the Elizabeth River. The study area encompasses the entire Elizabeth River Basin. Urban, rural, industrial, and residential areas blend together along the Elizabeth River and its branches. More than 13,000 vessels use the Elizabeth River annually, many while navigating the Atlantic Intracoastal Waterway. Three hundred years of industry and commerce have made the river one of the nation's most contaminated waterways. Only limited wetlands in the 20-mile reach remain to support wildlife and filter pollution. This sub-estuary of the Chesapeake Bay provides spawning grounds for fish, habitat for rare terns, peregrine falcons and great egrets, and mud flats for shellfish. In 1993 the Chesapeake Bay Program identified the Elizabeth River as a ''Region of Concern''—targeting it as one of three sites in the Bay watershed where contaminants pose the greatest threat to natural resources. Phase I consists of the sediment remediation for the Scuffletown Creek site.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Interior & Environment, National Park Service, Save America's Treasures

Legal Name of Requesting Entity: City of Petersburg, Virginia

Address of Requesting Entity: 135 N. Union Street, Room 202, Petersburg, Virginia 23803

Description of Request: Provides $150,000 for the rehabilitation, stabilization and preservation of the former home of Colonel John Banister, member of the Continental Congress and framer of the Articles of the Confederation, for future use as a museum and historical tour site. Constructed in 1768 as the suburban villa of Col. Banister, Battersea has been recognized as nationally significant by the Department of the Interior, National Register of Historic Places. The City of Petersburg purchased the house with nearly 40 acres surrounding it in 1985 in order to preserve the structure because of nationally important architectural significance, and will use funds to perform conservation analysis and immediate conservation treatment for water penetration in the foundation of the building.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Labor, HHS, Education, Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides $143,000 for a Dual Treatment Track (DTT), a pretrial diversion program for non-violent defendants that suffer from both a mental illness and substance abuse addiction. Funding would assist in expanding the population served and conducting a comprehensive analysis of the program in order to establish a research based practice that can be replicated across the nation. The program uses ''best practices'' models to divert individuals from the local jail who are of minimal threat to the community, yet in serious need of both substance abuse and mental health services. The DTT program provides benefits for everyone involved in the criminal justice and mental health systems. It reduces the burden of specialized care that the jail is forced to provide. It gives the court a new tool in dealing with a population that is traditionally difficult to effectively sentence. This program enhances the quality of life in Chesterfield County by creating more accountability and effective service delivery for the specific population of dually diagnosed individuals who criminally offend. Most importantly, it creates change in the lives of the offenders and their families, as they lead more productive, healthy and responsible lives.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: U.S. Army

Address of Requesting Entity: Fort Lee, Virginia

Description of Request: Provides $1,425,000 for an Entry Access Control project to construct standard design permanent access control facilities at Lee Avenue Gate and Sisisky Boulevard Gate, two primary entrance points into the cantonment area. The existing Access Control Points do not meet Army standards. Due to the increased incidents of terrorist activities it has become imperative that this installation have the ability to close the post to unauthorized traffic. Fort Lee has six Access Control Points. Installations' Access Control Points must be upgraded with facilities and equipment necessary to achieve appropriate levels of security enhancements and risk reductions.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $237,500 for the Gilmerton Bridge, which serves as the crossing of the Southern Branch of the Elizabeth River for U.S. Route 13/Military Highway. The Gilmerton Bridge is a narrow, four-lane bridge designed to accommodate 15,000 vehicles per day. The Gilmerton Bridge currently handles approximately 30,000 vehicles per day—twice its design capacity. The existing bridge has exceeded the expected design life and is now functionally obsolete. Due to structural deterioration, weight restrictions for heavy truck and commercial traffic have been imposed. With the anticipated growth in this area, it is projected that the traffic volume will increase to approximately 41,000 vehicles per day by the year 2021. Funding would be used to construct a new four-lane bridge with 12' shoulders that can be converted to additional travel lanes in the future.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides $475,000 for a project involving construction of an interchange on I–295 at the intersection of Meadowville Road. The area surrounding Rt. 10/I–295 is growing into a large industrial hub for the region, and the interchange will provide necessary access to accommodate freight access into and out of the area. The project is included in the Richmond Region MPO's Long Range Transportation Plan.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105 Account Transportation

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $237,500 for Dominion Boulevard, which connects Interstates 64 and 464 with U.S. Route 17 South. This project would replace the existing two-lane drawbridge over the Atlantic Intracoastal Waterway with a high rise, fixed span bridge, and would also widen the existing road section to four lanes. The roadway is also part of the National Highway System and is included in Virginia Department of Transportation Six-Year plan.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides $142,500 for a visitor center to preserve the historical site of the Battle of Great Bridge, a pivotal moment in the Revolutionary War. The visitor center will be located along the Albemarle and Chesapeake Canal in Chesapeake, Virginia. The center will draw tourists and visitors to the region who will find permanent and changing exhibits and programs at the center. The economic and cultural contributions of the center will benefit the Hampton Roads area. The center will receive both marine and vehicular traffic, provide resources for historical research, meeting spaces and a 100 seat theater. The park will contain interpretive signage, reconstructions of the historic causeway and will be ideal for events and re-enactments.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act of 2009.

Project Name—Lower Saddle River, Bergen County, NJ

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Army Corps of Engineers Investigations

Requesting Entity—U.S. Army Corps of Engineers—New York District Programs and Project Management Division, 26 Federal Plaza, New York, New York 10278–0090

Description of the Project—Funds will be used to continue the Limited Reevaluation Report (LRR) for this study. This project was authorized in WRDA 1986, and a full project was designed in the early 1990s, but was never built. Because the designs are somewhat now out-of-date, and many of the existing conditions have changed, the Corps is forced go back and reexamine portions of the original Feasibility Report.

Description of the Spending Plan—($526,000)

Engineering Redesign With Project Hydrology and Hydraulic

Continued Coordination with State and Federal Agencies for NEPA Compliance Plan Formulation Analysis with Economics Update Limited Project Management and Coordination Costs

Total $526,000

Project Name—Hackettstown Community Hospital Cancer Center

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Health and Human Services Health Resources and Services Administration (HRSA), Health Facilities and Services

Requesting Entity—Hackettstown Community Hospital, 651 Willow Grove Street, Hackettstown, NJ 07840

Description of the Project—The project's goal is to add a dedicated Outpatient Infusion Center, located within the Joan Knechel Cancer Center (Radiation Oncology). The addition of this service will help fulfill the goal to have a truly Comprehensive Cancer Treatment Center at Hackettstown Regional Medical Center. The funds will be used to purchase and install the specialized medical equipment and furnishings for these new services.

Description of the Spending Plan—($238,000)

*Federal Funds earmarked for Hackettstown Community Hospital (dba Hackettstown Regional Medical Center) FY2009 will be utilized for the interior build out of the existing space to become the new Infusion Therapy Center as part of our Comprehensive Cancer Center. Specifically, the funds will be used for the following purposes:

Permit Fees: $6,105

Contractor Supervision and Layout of Work Space: $33,855

Casework and Carpentry: $82,221

Roofing Work: $2,220

Doors, Frames and Hardware: $33,061

Aluminum Storefront and Glazing: $19,145 Acrylic Panels: $9,990

Painting: $16,117

Flooring & Ceramic Tile: $46,842

Fire Extinguishers and Cabinets (for Storage): $444 Total

Total $238,000

Project Name—Ramapo College Nurse Training

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services

Requesting Entity—Ramapo College of New Jersey, 505 Ramapo Valley Road, Mahwah, NJ 07430

Description of the Project—Funds will be used to purchase laboratory equipment related to Ramapo College's nursing program, which will be supported in their new academic building. Specifically, federal funding will be used toward purchasing nursing lab equipment, academic tutoring and nursing career mentoring programs.

Description of the Spending Plan—($190,000)

Nursing Lab Equipment (4 bed room with withal relayed equipment) $95,000

Nursing Lab Technology (4 Simulators) $95,000

Total $190,000

Project Name—Life Safety and Security Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Housing and Urban Development

Economic Development Initiative

Requesting Entity—Christian Health Care Center

301 Sicomac Avenue

Wyckoff, NJ 07481

Description of the Project—These funds will go to improving Christian Health Care Center's life safety and security infrastructure which will serve the elderly and children who reside within and visit our campus every day. These upgrades will also serve local first responders, neighbors and our staff in the event of a true emergency.

Description of the Spending Plan—($142,500)

Lightning risk mitigation

(upgraded fire panels and installation of fiber optic cabling) $75,000

System upgrade to addressable capabilities

(wiring replacement between upgraded panels and patient rooms) *$67,500*

Total $142,500

Project Name—Intermodal Transit Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Transportation

Bus and Bus Facilities

Requesting Entity—New Jersey Transit; Penn Plaza East,

Newark, NJ 07105–2246

Description of the Project—The funds requested in this application will support the efforts of NJ TRANSIT to improve intermodal transit facilities throughout the northwestern part of the state.

Description of the Spending Plan ($712,500)

Environmental work: $7,000

Design-in house work: $200,000

Design services: $30,000

Project Administration: $35,000

Insurance: $6,800

Construction: $433,700

Total $712,500

Project Name—Life Safety and Security Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Justice COPS Law Enforcement Technology

Requesting Entity—Warren County Department of Public Safety 1024 Route 57 Washington, NJ 07882

Description of the Project—This project encompasses an upgrade to the radio network for all municipal police departments and county law enforcement agencies throughout Warren County. The county will be installing a new UHF infrastructure for those agencies within

Warren County. This will enhance law enforcement officer safety and security and also improve interoperability with other state and out of state law enforcement agencies. This request will cover the cost of mobile and portable radios in each vehicle and for each officer throughout Warren County.

Description of the Spending Plan—($1,250,000)

Portable Radios $100,000

Mobiles $25,000

Total $1,250,000

Project Name—Delaware Water Gap Land Acquisition

Requesting Member—SCOTT GARRETT

Bill Number H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Interior

NPS Land Acquisition

Requesting Entity—The Nature Conservancy

200 Pottersville Road

Chester, NJ 07930

Description of the Project—Funds will be used to acquire and preserve a 91.5–acre tract of land within the Delaware Water Gap National Recreation Area (DWGNRA). This property is a primary target for preservation within the DWGNRA

Description of the Spending Plan—($1,000,000)

Cost of Land $900,000 (Appraisal, Hazards Assessment, Title and other closing costs) $100,000

Total $1,000,000

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

DIVISION A: AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Account: Special Research Grants

Legal Name of Requesting Entity: Rutgers University, the State University of New Jersey, The Marucci Center for Blueberry and Cranberry Research and Extension 9

Address of Requesting Entity: 125A Lake Oswego Road, Chatsworth, New Jersey 0801

Description of Request: H.R. 1105 includes $451,000, requested by multiple members of Congress, to support vital ongoing research on natural products with beneficial health properties. New Jersey is the nation's second largest producer of highbush blueberries and the nation's third largest producer of cranberries. In 2007, New Jersey-grown blueberries and cranberries brought in over $110 million in farm sales with significant benefit to the state's economy. This funding will support ongoing work at a University Research Center that addresses farm and environmental interests, at the state and national levels, by providing the advanced technology for the future sustainability of both crop industries, ensuring the competitiveness of growers in New Jersey and nationally. The project meets the agency's mission of providing sustainable nutritious food crops and enhancing farm sustainability.

DIVISION B: COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

The 11th Congressional District was directly impacted by the events of 9/11 and it is critical to continue to make direct investments to improve first responder communications and for other necessary technology and equipment upgrades.

Account: Community Oriented Policing Services

Legal Name of Entity: Morris County Office of Emergency Management

Address of Requesting Entity: P.O. Box 900, Morristown, New Jersey 07963–0900

Description of Request: H.R. 1105 includes $1,000,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Somerset County Office of Emergency Management

Address of Requesting Entity: 20 Grove Street, P.O. Box 3000, Somerville, NJ 08876

Description of Request: H.R. 1105 includes $1,000,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Sussex County Office of Emergency Management

Address of Requesting Entity: 39 High Street, Newton, New Jersey 07860

Description of Request: H.R. 1105 includes $950,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Essex County Office of Emergency Management

Address of Requesting Entity: 50 Nelson Place-2nd Floor, New Courts Building, Newark, New Jersey 07102.

Description of Request: H.R. 1105 includes $900,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Requesting Entity: Township of Bridgewater

Address of Requesting Entity: P.O. Box 6300, Bridgewater, New Jersey 08807

Description of Request: H.R. 1105 includes $150,000 for traffic safety improvements.

Account: National Aeronautics and Space Administration, Cross-Agency Support Programs

Legal Name of Entity: County College of Morris

Address of Requesting Entity: Route 10 and Center Grove Road, Randolph, New Jersey 07869

Description of Request: H.R. 1105 includes $200,000 to refurbish the planetarium and upgrade necessary equipment.

Account: National Aeronautics and Space Administration, Cross-Agency Support Programs

Legal Name of Entity: Drew University

Address of Requesting Entity: 36 Madison Avenue in Madison, New Jersey 07940

Description of Request: H.R. 1105 includes $1,100,000 toward Drew University's Environmental Sciences Initiative which is a $4.6 million, multi-year effort that will yield significant educational benefits both within and outside the Drew University community by upgrading science research facilities, bolstering faculty expertise on critical areas of interest such as climate change, and extending educational opportunities both for students at Drew University as well as local, state and regional K–12 schools.

Account: Department of Justice, Edward Byrne Memorial Justice Assistance Grant Programs

Legal Name of Entity: Fairleigh Dickinson University

Address of Requesting Entity: 285 Madison Avenue, Madison, NJ 07940

Description of Request: H.R. 1105 includes $300,000 for Fairleigh Dickinson University's Law Enforcement Distance Education Project to develop online educational courses for delivery to state, county and local law enforcement.

Account: Department of Justice, Edward Byrne Memorial Justice Assistance Grant Programs

Legal Name of Entity: New Jersey Crime Victims' Law

Address of Requesting Entity: 33 Woodport Road in Sparta, New Jersey.

Description of Request: H.R. 1105 includes $150,000 for pro bono legal assistance to crime victims.

DIVISION C: ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

Account: Office of Science, Department of Energy

Legal Name and Address of Requesting Entity: College of St. Elizabeth located at 2 Convent Station, Morristown, New Jersey 07960

Description of Request: H.R. 1105 includes $475,750 for the Science, Math, and Technology Education Initiative at the College of St. Elizabeth. The funding would be used by the College of Saint Elizabeth to undertake initial planning, design, and construction associated with the renovation of Henderson Hall. This construction will provide significantly improved educational opportunities for women to aid them in the fields of science, math, and technology.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $1,000,000 for the Passaic River Basin Flood Management project. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used for the continued acquisition of homes and removal from the State defined Floodway that have been plagued by frequent flood damage along the Passaic River. The flooding has long been a problem in the Passaic River Basin resulting in significant losses, notably the loss of lives.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $10,000,000 for the Raritan River Basin,

Green Brook Sub-basin project. This project is authorized by Congress and funding was requested by the Administration. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used finish the levee system in Bound Brook, New Jersey. Specifically, these dollars will be used for completion of the R2 Levee which will help protect the Township of Bound Brook. The Green Brook Sub-basin is continually subject to severe and sometimes devastating flood damage which has resulted in the loss of lives.

Account: Corps of Engineers, Continuing Authorities Program Section 205

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278–0090.

Description of Request: H.R. 1105 lists Jackson Brook under the Section 205 CAP Program. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the County of Morris, New Jersey. The funding would be for completion of design, execution of a Production Cooperation Agreement and initiation of construction. Flood damages have occurred to the homes and property located on the lower part of the Jackson Brook Watershed and the public park facilities. Flooding has caused siltation in Hedden Pond.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $11,700,000 for the Barnegat Inlet to Little Egg Harbor project. This project is authorized by Congress and funding was requested by the Administration. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used for the continuation of beachfill and dune construction for the purpose of coastal storm damage reduction. This storm protection project will cover 18 miles of coastline and protect human life and property for residents, communities and tens of thousands of visitors to one of the most populated destinations along the Atlantic coastline.

Account: Corps of Engineers, Continuing Authorities Program Section 205

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278–0090.

Description of Request: H.R. 1105 lists the Upper Passaic River and Tributaries, Long Hill project. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers, the New Jersey Department of Environmental Protection, and the Township of Long Hill. The funding would be for completion of design, execution of a Production Cooperation Agreement and initiation of construction. Flooding has caused extensive damage to businesses, residences, and infrastructure in and around Valley Road, the major thoroughfare in Long Hill Township.

Account: Corps of Engineers, Investigations

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $717,000 for the Hudson—Raritan, Lower Passaic River study. This project is authorized by Congress and funding was requested by the Administration. Today the Passaic River is one of the most toxic waterways in America. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Transportation. The funding would be use for evaluating what potential Interim Remedial Measures could be implemented prior to the anticipated date of completion of the full feasibility study.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $86,127,000 for the New York and New Jersey Harbor project. This project is authorized by Congress and funding was requested by the Administration. The increased and continued growth of the international maritime trade at the Port of New York and New Jersey represents a tremendous opportunity for the region—to create new jobs, generate higher incomes, reduce the cost of doing business and to raise the standard of living in the region. The actual design and construction will be executed by the Army Corps of Engineers and the Port Authority of New York and New Jersey. The funding would continue the 50-foot deepening project of the New York and New Jersey Harbor, including dredging of the Anchorage channel, the Kill Van Kull channel and the Ambrose Channel. Current channels within the Harbor range in depths from 30 to 45 feet, which are inadequate to provide access to the new, larger cargo ships that are being increasingly utilized for shipping, which require water drafts of 48 feet and more.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278–0090.

Description of Request: H.R. 1105 includes $4,806,000 for Passaic River Preservation of Natural Storage Areas. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used for the continuation of natural flood storage property acquisitions along the Passaic River. Flooding has long been a problem in the Passaic River Basin resulting in significant losses, notably the loss of lives.

DIVISION E: INTERIOR, ENVIRONMENT, AND RELATED AGENCIES:

Account: STAG Water and Wastewater Infrastructure

Legal Name and Address of Requesting Entity: Borough of Hopatcong located at 111 Styx Road, Hopatcong, New Jersey 07843.

Description of Request: H.R. 1105 includes $500,000 for the Borough of Hopatcong's Elba Point Water Restoration Project. The funding will be used to reactivate an existing community supply well to provide safe drinking water to the residents of the Borough. The water quality from the existing supply is poor due to a direct influence of the surface water into the well. In order to reactivate the well, the installation of a surface water treatment plant is required.

Account: Land Acquisition (LWCF)

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Great Swamp National Wildlife Refuge located at 241 Pleasant Plains Road, Basking Ridge, New Jersey 07920.

Description of Request: H.R. 1105 includes $750,000 for the Great Swamp National Wildlife Refuge, a component of Fish and Wildlife Service. The Great Swamp Refuge is located in Morris County, New Jersey, about 26 miles west of Manhattan's Times Square. The refuge was established by an act of Congress on November 3, 1960. The protection of this gem of wilderness in the heart of dense suburban development is one of the success stories of our National Wilderness Preservation System. The funding would be used to acquire an 18.31 acre parcel of land, known as the Great Brook Property, adjacent to the Great Swamp National Wildlife Refuge, which provides critical habitat for numerous rare species.

DIVISION F: DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

These projects are consistent with national health and education policies, including unique doctoral education programs, reducing cardiac disease, enhancing health information technology and increasing patient care to underserved areas of the community.

Account: Higher Education

Legal Name of Requesting Entity: Caldwell College

Address of Requesting Entity: 9 Ryerson Avenue, Caldwell, New Jersey 07006

Description of Request: H.R. 1105 includes $238,000 to establish a Ph.D. program in Applied Behavior Analysis (ABA) geared to preparing individuals for leadership roles in developmental services, special education and mental health. Caldwell College is the only college in New Jersey with a Master's Program in Applied Behavior Analysis (ABA), and the only Special Education Master's with a concentration in autism and ABA. Caldwell College has been increasingly sought out by schools and school districts that are seeking to hire teachers and administrators trained at the highest levels of ABA.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Atlantic Health System

Address of Requesting Entity: 475 South Street, Morristown, New Jersey 07960

Description of Request: H.R. 1105 includes $476,000 to implement a multi-year comprehensive cardiac initiative expanding and upgrading services to reflect capacity strain, the growing demand for cardiac care and the technological changes in the industry. These services will aid patients with necessary care for the finest diagnosis and treatment of cardiovascular disease. Atlantic Health System is currently finishing construction of a dedicated

heart hospital on the Morristown Memorial campus. This 223,000 square foot facility will include all inpatient and outpatient services.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Somerset Medical Center

Address of Requesting Entity: 110 Rehill Avenue, Somerville, NJ 08876

Description of Request: H.R. 1105 includes $476,000 to help improve patient safety through its information technology initiatives. Somerset Medical Center is a pioneer among hospitals nationwide in the implementation of electronic medical records. Over the past seven years, the medical center has spent more than $36 million to implement an electronic health record system in order to become more efficient, reduce the cost of patient care, enhance patient safety and improve the overall health of the community it serves.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Zufall Health Center

Address of Requesting Entity: 17 N. Warren Street, Dover, New Jersey 07801

Description of Request: H.R. 1105 includes $209,000 to help to purchase medical equipment for their new larger facility. Purchasing equipment for exam and dental rooms will allow Zufall Health Center to increase the number of patients they are able to provide care for. Moreover, the planned project will allow the Health Center to provide comprehensive prenatal services to more than 300 women on-site.

Division I: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009

Account: Department of Housing and Development, Economic Development Initiatives

Legal Name of Entity: Family Services of Morris County

Address of Requesting Entity: 4 Division Avenue, Madison, New Jersey 07940

Description of Request: H.R. 1105 includes $190,000 to renovate, repair and rehabilitate 40-year-old facilities used for adult care Senior citizens eighty years of age and older represent the fastest growing population in Morris County and the facility is in need of significant renovation and expansion to continue to accommodate the seniors' needs. This funding will be provided directly to Family Service of Morris County.

Account: Department of Transportation, Surface Transportation Initiatives

Legal Name of Entity: Somerset County

Address of Requesting Entity: 20 Grove Street, Somerville, NJ 08876

Description of Request: H.R. 1105 includes $570,000 for an authorized project under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users that would be used to relieve current and projected traffic congestion, improve vehicular and pedestrian safety and integrate access to mass transit in one of the fastest growing regions in New Jersey. This area is currently the site of extremely dangerous accident ''hot spots,'' and this funding will greatly improve in roadway and pedestrian safety. Further, it has been estimated by the county that drivers are subjected to over 100 hours of transit delays per year in Somerset County.

Account: Department of Transportation, Bus and Bus Facilities

Legal Name of Entity: New Jersey Transit Corporation

Address of Requesting Entity: One Penn Plaza, Newark, New Jersey 07105

Description of Request: H.R. 1105 includes $950,000 for intermodal improvements along the Morristown and Montclair-Boonton commuter rail lines in Northern New Jersey. Ridership on public transportation is at all time highs and it is critical to ensure that our public transportation system operates smoothly and can handle this increased demand.

Account: Department of Transportation, Capital Investment Grants

Legal Name of Entity: New Jersey Transit Corporation

Address of Requesting Entity: One Penn Plaza, Newark, New Jersey 07105

Description of Request: H.R. 1105 includes $48,000,000 for an authorized project under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users that would be used to construct a new two-track commuter rail tunnel beneath the Hudson River from New Jersey to midtown Manhattan, including a new station at 34th Street, six new platforms, rail storage facilities, and direct access to the New York City Subway system and the Penn Station complex. Ridership on public transportation is at all time highs and it is critical to ensure that our public transportation system operates smoothly and can handle this increased demand. This tunnel is a high-priority, long-term project for the State of New Jersey, designed to significantly increase rail access and overall trans-Hudson capacity between New Jersey and New York—and safeguard the overall mobility and economic vitality of the region.

HONORING THE ELECTION OF JUDY RAMEY

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CHILDERS. Madam Speaker, I rise today to recognize Mrs. Judy Ramey; who recently was elected as President of the Commissioners Group in Mississippi, which is composed of Commissioners representing all 82 Counties in my home State of Mississippi. In addition to the office she will be taking now, Mrs. Ramey has been the three-term mayor of Marietta, a Chief Nursing Officer, and an Assistant Hospital Administrator in my hometown of Boonville, in Prentiss County, Mississippi.

Mrs. Ramey has been an active member in the Commissioners Group for the past ten years, and in 2008 she acted as the Group's Vice-President. In that time she earned the respect of her coworkers. Her colleagues had such faith in her leadership that she was unanimously voted into her position. I am confident that her hard work will be to the benefit of the people in Mississippi. I would like to take this time to thank her for her public service, and commend her for the example that she is giving for others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 26, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

9:30 a.m.
Armed Services
To hold hearings to examine acquisition of major weapons systems by the Department of Defense.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine consumer protections in financial services.
SD–538

Budget
To hold hearings to examine economic and budget challenges for the short and long term.
SD–608

Energy and Natural Resources
To hold an oversight hearing to examine the progress on smart grid initiatives authorized in the Energy Independence and Security Act of 2007, and funded in the stimulus bill, and opportunities and impediments in installation of smart grid technologies.
SD–366

Foreign Relations
To hold hearings to examine Iranian political and nuclear realities and United States policy options.
SD–419

2:30 p.m.
Intelligence
To hold closed hearings to examine intelligence matters, receiving testimony from officials of the intelligence community.
SH–219

MARCH 4

9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine systemic risk and breakdown of financial governance.
SD–342

9:30 a.m.
Budget
To hold hearings to examine the President's proposed budget for fiscal year 2010.
SD–608

10 a.m.
Judiciary
To hold hearings to examine getting to the truth through a nonpartisan commission of inquiry.
SD–226

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine improving nutrition for America's children in difficult economic times.
SH–216

2:30 p.m.
Foreign Relations
To hold closed briefing to examine Iran status report, focusing on nuclear and political issues.
SVC–217

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine tax haven banks and United States tax compliance, focusing on obtaining names of United States clients with Swiss Accounts.
SD–342

MARCH 5

9:30 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine future directions of energy research and development, and to identify key scientific and technological hurdles.
SD–366

Veterans' Affairs
To hold joint hearings to examine the legislative presentations of veterans' service organizations.
SD–106

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine American International Group, focusing on government intervention and implications for future regulation.
SD–538

Homeland Security and Governmental Affairs
To hold hearings to examine transparency and accountability for recovery and reinvestment spending.
SD–342

10:30 a.m.
Foreign Relations
To hold hearings to examine United States strategy regarding Iran.
SD–419

2:30 p.m.
Intelligence
To hold closed hearings to examine intelligence matters, receiving testimony from officials of the intelligence community.
SH–219

MARCH 10

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine budget for veterans programs for fiscal year 2010.
SR–418

MARCH 12

9:30 a.m.
Veterans' Affairs
To hold joint hearings to examine legislative presentations of veterans' service organizations.
SD–106

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.
334, Cannon Building

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.
SR–418

Daily Digest

HIGHLIGHTS

The House Passed H.R. 1105—Omnibus Appropriations Act, 2009.

Senate

Chamber Action

Routine Proceedings, pages S2433–S2506

Measures Introduced: Seventeen bills and five resolutions were introduced, as follows: S. 468–484, S.J. Res. 11, S. Res. 54–56, and S. Con. Res. 8. **Pages S2473–74**

Measures Reported:

S. Res. 54, authorizing expenditures by the Committee on Finance. **Page S2473**

Measures Passed:

Role of Enslaved African Americans in Construction of the Capitol Plaque: Committee on Rules and Administration was discharged from further consideration of S. Res. 53, authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol, and the resolution was then agreed to. **Page S2500**

Children's Health Month and Honoring the Memory of Deamonte Driver: Senate agreed to S. Con. Res. 8, expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver. **Page S2501**

Measures Considered:

District of Columbia House Voting Rights Act: Senate continued consideration of S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, taking action on the following amendments proposed thereto: **Pages S2434–61**

Adopted:

Kyl Amendment No. 574, to provide for expedited judicial review for Members of Congress. **Page S2442**

Rejected:

By 7 yeas to 91 nays (Vote No. 68), Coburn Amendment No. 581, in the nature of a substitute. **Pages S2458, S2460**

Pending:

Ensign Amendment No. 575, to restore Second Amendment rights in the District of Columbia. **Pages S2442–44, S2456–60**

Coburn Amendment No. 576 (to Amendment No. 575), of a perfecting nature. **Pages S2444–51**

Thune Amendment No. 579, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia. **Pages S2451–52**

Kyl Amendment No. 585, to provide for the retrocession of the District of Columbia to the State of Maryland. **Pages S2452–54**

During consideration of this measure today, Senate also took the following action:

By 36 yeas to 62 nays (Vote No. 67), Senate did not sustain the point of order raised by Senator McCain that the bill violates Article 1, Section 2 of the United States Constitution. **Page S2451**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, February 27, 2009. **Page S2461**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, February 26, 2009, and that the time until 10:30 a.m., be for debate relative to Kyl Amendment No. 585 (listed above), with the time equally divided and controlled between Senators Kyl and Lieberman, or their designees; and that no amendments be in order to the amendment prior to the vote; provided further, that at 10:30 a.m., Senate vote on or in relation to Kyl Amendment No. 585 (listed above). **Page S2501**

Appointments:

Joint Committee on Taxation: The Chair, announced on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: Senators Baucus, Rockefeller, Conrad, Grassley, and Hatch. **Page S2500**

Nominations Received: Senate received the following nominations:

Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

Tony West, of California, to be an Assistant Attorney General.

Routine lists in the Air Force, Army, Coast Guard, and Marine Corps. **Pages S2501–06**

Messages from the House: **Page S2471**

Measures Referred: **Page S2471**

Measures Read the First Time: **Pages S2471, S2501**

Executive Communications: **Pages S2472–73**

Executive Reports of Committees: **Page S2473**

Additional Cosponsors: **Page S2474**

Statements on Introduced Bills/Resolutions: **Pages S2474–89**

Additional Statements: **Pages S2469–71**

Amendments Submitted: **Pages S2489–S2500**

Authorities for Committees to Meet: **Page S2500**

Privileges of the Floor: **Page S2500**

Record Votes: Two record votes were taken today. (Total—68) **Pages S2451, S2460**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:25 p.m., until 9:30 a.m. on Thursday, February 26, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2501.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nomination of Gary Gensler, of Maryland, to be Chairman and Commissioner of the Commodity Futures Trading Commission, after the nominee, who was introduced by Senators Mikulski and Cardin and former Senator Sarbanes, testified and answered questions in his own behalf.

AFGHANISTAN AND PAKISTAN

Committee on Armed Services: Committee met in closed session to receive a briefing to examine Afghanistan and Pakistan from Michele Flournoy, Under Secretary of Defense for Policy; Lieutenant General John M. Paxton, Jr., USMC, Director for Operations, J3, and Vice Admiral James A. Winnefeld, Jr., USN, Director for Strategic Plans and Policy, J5, both of the Joint Staff; and Rear Admiral Mark D. Harnitchek, USN, Director, Strategy, Policy, Programs and Logistics Directorate, J5/4, United States Transportation Command.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Capt. Brian P. Monahan, to be Rear Admiral and Attending Physician to the Congress, and Michael A. Brown, to be Rear Admiral, both of the Navy; and routine lists in the Air Force Reserve and the Navy.

LATEST GLOBAL WARMING SCIENCE

Committee on Environment and Public Works: Committee concluded a hearing to examine an update on the latest global warming science, after receiving testimony from Howard Frumkin, Director, National Center for Environmental Health, Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; R.K. Pachauri, United Nations Intergovernmental Panel on Climate Change, New Delhi, India; Christopher B. Field, Carnegie Institution for Science, Stanford, California; and William Happer, Princeton University, Princeton, New Jersey.

EXPANDING HEALTH INSURANCE COVERAGE

Committee on Finance: Committee concluded a hearing to examine scoring health care reform, focusing on Congressional Budget Office's (CBO) budget options, including expanding health insurance coverage and making the health care system more efficient, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original resolution authorizing expenditures by the Committee.

Also, committee announced the following subcommittee assignments for the 111th Congress:

Subcommittee on Health Care: Senators Rockefeller (Chair), Bingaman, Kerry, Lincoln, Wyden, Schumer, Stabenow, Cantwell, Nelson (FL), Menendez,

Carper, Hatch, Snowe, Ensign, Enzi, Cornyn, Kyl, Bunning, and Crapo.

Subcommittee on Taxation, IRS Oversight, and Long-Term Growth: Senators Conrad (Chair), Baucus, Rockefeller, Wyden, Schumer, Stabenow, Cantwell, Menendez, Carper, Kyl, Hatch, Snowe, Roberts, Ensign, Enzi, and Cornyn.

Subcommittee on Energy, Natural Resources, and Infrastructure: Senators Bingaman (Chair), Conrad, Kerry, Lincoln, Stabenow, Cantwell, Nelson (FL), Carper, Bunning, Crapo, Cornyn, Hatch, and Enzi.

Subcommittee on Social Security, Pensions, and Family Policy: Senators Lincoln (Chair), Rockefeller, Conrad, Schumer, Nelson (FL), Roberts, Kyl, and Ensign.

Subcommittee on International Trade, Customs, and Global Competitiveness: Senators Wyden (Chair), Rockefeller, Bingaman, Kerry, Stabenow, Cantwell, Menendez, Crapo, Snowe, Bunning, and Roberts.

Also, Committee appointed the following Members to the Congressional Oversight Group, the Congressional Trade Advisors on Trade Policy and Negotiations, and the Joint Committee on Taxation: Senators Baucus, Rockefeller, Conrad, Grassley, and Hatch.

TELEVISION IN THE DIGITAL AGE

Committee on the Judiciary: Committee concluded a hearing to examine ensuring television carriage in the digital age, after receiving testimony from Vermont State Senator Robert M. Hartwell, Manchester Center; Charles W. Ergen, Dish Network Corporation, Englewood, Colorado; K. James Yager, Barrington Broadcasting Group, LLC, Hoffman Estates, Illinois, on behalf of the National Association of Broadcasters; Martin D. Franks, CBS Corporation, New York, New York; and David L. Cohen, Comcast Corporation, Philadelphia, Pennsylvania.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of David S. Kris, of Maryland, to be an Assistant Attorney General, and Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, who was introduced by Senator Bayh, both of the Department of Justice, after the nominees testified and answered questions in their own behalf.

SECURING RETIREMENT

Special Committee on Aging: Committee concluded a hearing to examine securing retirement in a volatile economy, after receiving testimony from Dallas Salisbury, Employee Benefit Research Institute, Dean Baker, Center for Economic and Policy Research, Ignacio Salazar, SER–Jobs for Progress National, Inc., and Barbara B. Kennelly, National Committee to Preserve Social Security and Medicare, all of Washington, D.C.; Deena Katz, Texas Tech University, Lubbock; and Jeanine L. Cook, Myrtle Beach, South Carolina.

BUSINESS MEETING

Special Committee on Aging: Committee adopted its rules of procedure for the 111th Congress.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 40 public bills, H.R. 1165–1204; and 9 resolutions, H. Con. Res. 60–63; and H. Res. 188–189, 191–193 were introduced. **Pages H2833–35**

Additional Cosponsors: **Page H2836**

Report Filed: A report was filed today as follows:

H. Res. 190, providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability (H. Rept. 111–21). **Page H2833**

Speaker: Read a letter from the Speaker wherein she appointed Representative Holden to act as Speaker Pro Tempore for today. **Page H2633**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 246 yeas and 169 nays, Roll No. 80. **Pages H2633, H2641–42**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Supporting the goals and ideals of Peace Officers Memorial Day: H. Res. 47, to support the goals and ideals of Peace Officers Memorial Day, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 81 and **Pages H2636–39, H2642–43**

Supporting the goals and ideals of the third annual America Saves Week: H. Res. 180, to support the goals and ideals of the third annual America Saves Week, by a ⅔ yea-and-nay vote of 415 yeas to 2 nays, Roll No. 82. **Pages H2639–41, H2643**

Board of Trustees of the John F. Kennedy Center for the Performing Arts—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Representatives Kennedy, DeLauro, and Blunt. **Page H2656**

Omnibus Appropriations Act, 2009: The House passed H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, by a yea-and-nay vote of 245 yeas to 178 nays, Roll No. 86. **Pages H2643–H2805**

Pursuant to the rule, the amendment printed in H. Rept. 111–20 shall be considered as adopted. **Page H2657**

H. Res. 184, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 398 yeas to 24 nays, Roll No. 85, after agreeing to order the previous question by a yea-and-nay vote of 393 yeas to 25 nays, Roll No. 84. **Pages H2643–56**

A point of order was raised against the consideration of H. Res. 184 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 234 yeas to 177 nays, Roll No. 83. **Pages H2643–46**

Pursuant to section 2 of H. Res. 184, H. Res. 158 is laid on the table.

Privileged Resolution: The House agreed to table H. Res. 189, raising a question of the privileges of the House, by a recorded vote of 226 ayes to 182 noes with 12 voting "present", Roll No. 87. **Pages H2805–06**

Committee Discharge and Re-referral: The House agreed that the Committee on Oversight and Government Reform be discharged from further consideration of H. Res. 183 and that the resolution be re-referred to the Committee on Transportation and Infrastructure. **Page H2806**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407: H. Res. 183, to express condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407. **Pages H2806–08**

Recess: The House recessed at 8:08 p.m. and reconvened at 9:15 p.m. **Page H2832**

Amendments: Amendments ordered printed pursuant to the rule appear on page H2836.

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2642, H2642–43, H2643, H2645–46, H2655–56, H2656, H2804–05 and H2805–06. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:16 p.m.

Committee Meetings

STATE, FOREIGN OPERATIONS AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on Building a 21st Century Workforce. Testimony was heard from the following former Ambassadors: Thomas Pickering; Prudence Bushnell and Edward Perkins; and Jim Kunder, formerly with the U.S. Agency for International Development, Department of State.

U.S. TRANSPORTATION COMMAND PROGRAM

Committee on Armed Services: Subcommittee on Air and Land Forces and the Subcommittee on Seapower and Expeditionary Forces held a joint hearing on U.S. Transportation Command's (USTRANSCOM) airlift, sealift, and surface lift programs. Testimony was heard from GEN Duncan J. McNabb, USAF, U.S. Transportation Command, Department of Defense.

PERSONNEL BENEFICIARY/ADVOCACY OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on beneficiary and advocacy overview. Testimony was heard from public witnesses.

MISSILE DEFENSE TESTING

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the future of missile defense testing. Testimony was heard from the following officials of the Department of Defense: Charles E. McQueary, Director, Operational Test and Evaluation; LTG Patrick O'Reilly, USA, Director, Missile Defense Agency; and MAJ Roger Nadeau, USA, Commanding General, Test and Evaluation Command, USA; Paul L. Francis, Director, Acquisition and Sourcing Management, GAO; Philip E. Coyle III, former Director, Operational Test and Evaluation, Department of Defense; and a public witness.

IMPROVING SERVICE AND VOLUNTEERISM

Committee on Education and Labor: Held a hearing on Renewing America through National Service and Volunteerism. Testimony was heard from SGM Kenneth O. Preston, U.S. Army; and public witnesses.

MONETARY POLICY/STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on monetary policy and the state of the economy. Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System

Hearings continue tomorrow.

U.S.-RUSSIA RELATIONSHIP

Committee on Foreign Affairs: Held a hearing on From Competition to Collaboration: Strengthening the U.S.-Russia Relationship. Testimony was heard from public witnesses.

HOMELAND SECURITY DEPARTMENT OUTLOOK

Committee on Homeland Security: Held a hearing entitled ''DHS: The Path Forward.'' Testimony was heard from Janet Napolitano, Secretary of Homeland Security.

COMMITTEE FUNDING

Committee on House Administration: Concluded hearings on Committee Funding for the 111th Congress. Testimony was heard from the following Committees: Chairman Henry A. Waxman and Ranking Member Joe Barton of the Committee on Energy and Commerce; Chairman Charles B. Rangel and Ranking Member Dave Camp of the Committee on Ways and Means; and Chairwoman Louise McIntosh Slaughter and Ranking Member David Dreier of the Committee on Rules.

D.C. VOTING RIGHTS ACT OF 2009; COPYRIGHT LICENSING IN A DIGITAL AGE

Committee on the Judiciary: Ordered reported, as amended, H.R. 157, District of Columbia Voting Rights Act of 2009.

The Committee also held a hearing on Copyright Licensing in a Digital Age: Competition, Compensation and the Need to Update the Cable and Satellite TV Licenses. Testimony was heard from Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Library of Congress; and public witnesses.

OFFSHORE DRILLING

Committee on Natural Resources: Concluded oversight hearings entitled ''Offshore Drilling: Industrial Perspectives.'' Testimony was heard from public witnesses.

CORAL REEF CONSERVATION; MARIANA ISLANDS SUBMERGED LANDS

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 860, Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009; and H.R. 934, To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa in their submerged lands. Testimony was heard from Kacky Andrews, Director, Coral Reef Conservation Program, National Ocean Service, NOAA, Department of Commerce; Nikolao Pula, Acting Deputy Assistant Secretary, Office of Insular Affairs, Department of the Interior; Felix P. Camacho, Governor, Guam; Togiola T. A. Tulafono, Governor, American Samoa; Benigno R. Fitial, Governor, Commonwealth of the Northern Mariana Islands; and public witnesses.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and the chair and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI and provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill.

The rule makes in order only those amendments printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question. The rule waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Frank, Chairman Conyers and Representatives Cummings, Miller (NC), Sestak, Titus, Neugebauer and King (IA).

U.S. EXPORT CONTROL POLICIES IMPACT ON SCIENCE AND TECHNOLOGY

Committee on Science and Technology: Held a hearing on Impacts of U.S. Export Control Policies on Science and Technology and Competitiveness. Testimony was heard from public witnesses.

SMALL BUSINESS RETIREMENT PLANS

Committee on Small Business: Held a hearing entitled ''Drop in Retirement Savings: The Challenges Small

Businesses Face Funding and Maintaining Retirement Plans in a Struggling Economy.'' Testimony was heard from public witnesses.

FEMA GULF COAST RECOVERY; RECENT DISASTERS RESPONSE

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Post-Katrina Disaster Response and Recovery: Evaluating FEMA's Continuing Efforts in the Gulf Coast and Response to Recent Disasters. Testimony was heard from the following officials of FEMA, Department of Homeland Security: David Garratt, Acting Deputy Administrator; and James W. Stark, Assistant Administrator, Gulf Coast Recovery Office; and public witnesses.

CLIMATE CHANGE LEGISLATION SCIENTIFIC OBJECTIVES

Committee on Ways and Means: Continued hearings on climate change, with emphasis on Scientific Objectives for Climate Change legislation. Testimony was heard from public witnesses.

WORLD WIDE THREATS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on World Wide Threats. Testimony was heard from Dennis Blair, Director of National Intelligence.

TECHNOLOGY CAN REVOLUTIONIZE EFFICIENCY AND RENEWABLE SOLUTIONS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Get Smart on the Smart Grid: How Technology Can Revolutionize Efficiency and Renewable Solutions.'' Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 26, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine strategic options for the way ahead in Afghanistan and Pakistan, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Administration's Homeowner Affordability and Stability Plan, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine consumer protection and the credit crisis, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine recommendations for reducing energy consumption in buildings through improved implementation of authorized Department of Energy (DOE) programs and through other innovative federal energy efficiency policies and programs, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine engaging with Muslim communities around the world, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine integrative care, focusing on a pathway to a healthier nation, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine protecting public and animal health, focusing on homeland security and the federal veterinarian workforce, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine youth suicide in Indian country, 10 a.m., SD–628.

Committee on the Judiciary: organizational business meeting to consider committee's rules of procedure for the 111th Congress; S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, S. 49, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, S. 146, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, and the nominations of David W. Ogden, of Virginia, to be Deputy Attorney General, Elena Kagan, of Massachusetts, to be Solicitor General of the United States, and Thomas John Perrelli, of Virginia, to be Associate Attorney General, all of the Department of Justice, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold an oversight hearing to examine caring for veterans in rural areas, 10 a.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters from officials of the intelligence community, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Defense, hearing on Outsourcing, 10 a.m., H–140 Capitol.

Subcommittee on Homeland Security, hearing on Disaster Response: Is FEMA up to the Challenge? 10 a.m., 2359 Rayburn.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness, hearing on New Innovations and Best Practices Under the Workforce Investment Act, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing on Revisiting the Toxic Substances Control Act of 1976, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing on Renewable Energy: Complementary Policies for Climate Legislation, 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, to continue hearings on monetary policy and the state of the economy, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia, hearing on Building a Strategic Partnership: U.S.-India Relations in the Wake of Mumbai, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Competition Policy, hearing on Competition in the Ticketing and Promotion Industry, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 699, Hardrock Mining and Reclamation Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on How Convicts and Con Artists Receive New Federal Contracts, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science Education, hearing on Beyond the Classroom: Informal STEM Education, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on VA's Update on Short and Long-Term Strategies for Implementing New G.I. Bill Requirements, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing on IRS Assistance for Taxpayers Experiencing Economic Difficulties, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine restoring the economy, focusing on strategy for short-term and long-term change, 10 a.m., SD–106.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, February 26

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 160, District of Columbia House Voting Rights Act, and after a period of debate, vote on or in relation to Kyl Amendment No. 585 at 10:30 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, February 26

House Chamber

Program for Thursday: Consideration of H.R. 1106—Helping Families Save Their Homes Act of 2009 (Subject to a Rule).

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