United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, MAY 21, 2009 *No. 79*

House of Representatives

The House met at 10 a.m.

Rev. Troy Ehlke, Christ Lutheran Church, Charlotte, North Carolina, offered the following prayer:

God of wisdom and truth, we are a Nation standing at the crossroads. It is a place of possibilities; one where pathways beckon us to traverse, yet the unforeseen tenders our steps. Enable us to boldly confront this critical juncture through the hope that rests securely in Your love.

Unite us as one so that care of community precedes self-interest; love of neighbor breeds compassionate action; the common good is a prize to behold rather than a tool to exploit.

Empower the representatives of this great land to respond to today's issues from a posture of hope because blessings abound even under the most arduous of circumstances. We may be facing the crossroads, but we are not alone, for we have You and we have one another. Nothing more do we require. Truly, You are generous, O Lord.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska 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.

MESSAGE FROM THE SENATE

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

S. 614. An act to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

WELCOMING REV. TROY EHLKE

The SPEAKER. Without objection, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 minute.

There was no objection.

Mrs. MYRICK. I'm honored to introduce Rev. Troy Ehlke, who gave today's opening prayer. He serves as the Pastor of Care and Counseling at Christ Lutheran Church in Charlotte, North Carolina, where he lives with his wife, Cynthia, and son Julian. It is here that he administers pastoral care to a congregation of nearly 3,000 through direct visitation and facilitation of a large lay ministry group. He is also the director of Adult Education and oversees the Sunday school and the Wednesday evening curriculums.

He received his master's degrees in the fields of theology and divinity from Harvard Divinity School, Pacific Lutheran Theological Seminary, and Princeton Theological Seminary. His professional interests center predominantly on the administration of pastoral care and counseling and biblical studies in relationship to community ethics. He has also written two books, and currently is working on his third.

He is a devoted and inspired leader in our community and to those he serves at Christ Lutheran Church. It's a privilege to have him here with us today, and an honor to serve him, his family, and his congregation in the Ninth District of North Carolina.

ANNOUNCEMENT BY THE SPEAKER

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

EMBARK IN A NEW DIRECTION

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

Mr. ALTMIRE. Madam Speaker, it was a little over 8 years ago that this country had just had four consecutive budget surpluses. But now, as we find ourselves in the midst of our eighth consecutive budget deficit, Congress and the President are finally making the difficult decisions necessary to right the ship and begin digging our way out of the enormous hole the policies of the past have created.

While we can't change the misguided decisions that doubled the national debt over the past 8 years, we can change course and adopt a more fiscally responsible policy.

Our budget cuts the deficit by two-thirds over the next 4 years. And by reforming our health care system, reducing our dependence on foreign oil, and improving our education system, we are addressing the issues that are driving our long-term deficit.

Madam Speaker, finally we have a Congress and an administration that are willing to put behind us the failed economic policies of the past and embark in a new direction.

CAP-AND-TAX ENERGY PLAN

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

Mr. TIM MURPHY of Pennsylvania. A cap-and-tax energy bill is working its way through the House. Democrats and Republicans alike want to make sure that we put caps on emissions to

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reduce pollution in our country, but we need to make sure we find a way of doing this without increasing family electric bills, losing manufacturing jobs, or losing steel jobs.

They say we should trust China that they won't cheat and somehow send cheaper goods over here. But this is the same country that sends us fungus in their diapers, leaded toys, toxic baby bottles, poison dog food, harmful building materials; they dump steel on our shores, hack into our computers, and spy on us. Hardly a country I would trust.

They say that we're going to get 200 tons of steel to build a windmill, and that's true, but it takes 90 tons of steel to build a clean coal power plant. What we ought to be doing is spending our money tearing down our old dirty coal plants, building new ones, and using our massive resources.

Let's use the oil off our shores to fund clean coal technology, build nuclear power plants, get a million more jobs in America, and clean the air in our country. Put a cap on emissions, okay. But let's put a cap on job losses. That's how we help our country.

MEMORIAL DAY AND COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. As America celebrates Memorial Day next week, let us not forget what this day represents. This is a day of reflection to remember those who gave the ultimate sacrifice for this country—the men and women who served our country. This includes thousands of immigrants who, although not officially citizens, died defending America's values we all share.

In fact, one of the first U.S. servicemen killed in combat in Iraq was an immigrant, Marine Lance Corporal Jose Gutierrez, only 22 years old.

On Memorial Day, immigrant families will also share America's reflection of those who gave their lives. But America must not accept immigrants one moment and reject them the next.

Congress must look past tough political decisions and work on real comprehensive reform for the sake of those immigrants and their families that already gave so much to this country. I urge my colleagues and President Obama to work with the CHC to pass comprehensive immigration reform.

WISE WORDS FROM AMERICAN HISTORY

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

Mr. POE of Texas. Mr. Speaker, ''In the situation of this assembly, groping as it were in the dark to find political truth . . . , how has it happened, sir, that we have not once thought of humbly applying to the Father of lights to illuminate our understanding?

''The longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, how it is probable that an empire can rise without His aid?

''I therefore beg—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberation, be held in this assembly every morning before we proceed to business.''

Mr. Speaker, with this advice by Benjamin Franklin in 1787, our ancestors knelt in prayer each day before designing and drafting the powerful U.S. Constitution. We continue that wise tradition. Each morning we pray to the Almighty. Then we pledge to the Flag. Then we get on with the people's business.

We would do well to remember the words of the Old Book, ''Unless the Lord builds the house, the builders labor in vain.'' ''Unless the Lord watches over the city, the watchmen stand guard in vain.''

And that's just the way it is.

VERMONT DAIRY FARMERS

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

Mr. WELCH. I rise today to bring to the attention of my colleagues the ever-worsening plight of dairy farmers in Vermont. Frankly, dairy farmers around the country.

The life of a dairy farmer is hard always. Never easy. Long hours, uncertainty in the markets, competition from factory and farms make it tough for family farmers in Vermont and elsewhere to survive and thrive. It's even tougher these days.

With the cost of production of milk at about $18 per hundredweight, it's well below the $11 per hundredweight that farmers are being paid. It's no wonder that so many farmers are having to sell their herds and walk off the land they love.

But dairy is so important to Vermont—economically, culturally, environmentally, and historically. We need to do all we can to help this sector and to help our farmers.

That's why I and 23 of our colleagues are calling on Secretary Vilsack to consider the cost of production when setting milk prices. We need to act now to resolve this crisis. Even more importantly, we need to find a long-term solution that will help create stable and sustainable dairy in this country.

LAKE ALICE SCHOOL

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

Mr. SMITH of Nebraska. I rise today to celebrate a gem of western Nebraska, Lake Alice School. The school first opened its doors in 1915, and it will bid its farewell on Monday. A farewell will actually be held with an open house at the school, allowing anyone who is or has been associated with the school to reflect on its impact to our community and what it has meant to so many people through the years.

Nearly 7,000 students from Scottsbluff and the surrounding area have passed through the school during its 93 years. I'm proud to have known Lake Alice students, teachers, graduates, and faculty throughout my life. The school provided a quality education and serves as a point of pride for the community.

It will hold a special place in our hearts. I hate to see the doors close, but I know the memories will last forever.

CONGRESSIONAL GOLD MEDAL FOR SOLDIERS INVOLVED IN BATAAN, CORREGIDOR AND LUZON

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

Mr. HEINRICH. Mr. Speaker, I rise today to introduce a bill bestowing a collective Congressional Gold Medal to our soldiers involved in the World War II battles of Bataan, Corregidor, and Luzon.

This bill is particularly important to my State because nearly 2,000 New Mexican soldiers were captured as prisoners of war and subjected to the Bataan Death March of 1942. More New Mexico families per capita were directly affected by this than any other State.

American POWs were forced to endure a tortuous 65-mile, 5-day march in tropical heat, without food or water, followed by 3 years of brutal imprisonment. In the end, one-third of Bataan's 12,000 defenders never returned home.

We must never forget the courage that these veterans demonstrated before any more of our heroes of Bataan, Corregidor, or Luzon pass on. I urge my colleagues to honor them with the Congressional Gold Medal that they have more than earned.

GUANTANAMO BAY

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

Mr. PENCE. On his second day in office, the President announced his plans to close Guantanamo Bay in an effort to improve America's image around the world. But Republicans went to the floor of this House and we went to the airwaves. We even went to the Internet at GOP.gov to inform the American people that Guantanamo Bay holds some of the most dangerous terrorists on the planet; men like Khalid Sheikh Mohammed, the mastermind behind the September 11th attacks, and Abu Zubaydah, a key facilitator of the 9/11 attacks.

Because of the strong Republican leadership in the House and the Senate—even our Democratic colleagues in the last week joined us—denying any and all funding for closing Guantanamo Bay in the war supplemental bill.

But now we read that the President is renewing his effort to close Guantanamo Bay, despite a recent Pentagon report that nearly one out of every seven terrorist detainees previously released from Guantanamo Bay may have returned to their terrorist activity. Yesterday, the director of the FBI raised concerns about transferring these men to our local communities.

Despite these warnings, the President continues to bow to world opinion. Let me say emphatically: Mr. President, public safety comes before public relations. The American people don't want to know how closing Guantanamo Bay will make us more popular; they want to know how closing Guantanamo Bay will make us safer.

□ 1015

TAX SIMPLIFICATION FOR SMALL BUSINESSES

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

Mr. SCHRADER. In my home State of Oregon, 98 percent of our businesses are small businesses. In fact, small businesses employ 57 percent of Oregon's workforce. During Small Business Appreciation Week, I want to commend all of the small business owners in my home State and across the country who drive the economy and keep the dream of American entrepreneurship alive.

It is with that in mind that I speak about an issue that all small business owners face: the complexity of our Tax Code. Whether we're talking about dollars spent or time lost, tax complexity is an enormous drain for small businesses. With 3.7 million words, 70,000 pages, individuals and companies spend close to $265 billion just to fill out their taxes. Sadly, our small business entrepreneurs pay the majority of that.

That's why I introduced H.R. 1509, the Home Office Deduction Simplification Act that would provide small businesses with a simple $1,500 home office deduction to claim a credit that very few use today.

During Small Business Appreciation Week, I encourage all Members to consider ways to aid small businesses.

HEALTH CARE REFORM

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

Mr. PAULSEN. Mr. Speaker, health care reform is one of the most important issues Congress will tackle. Health care costs are too high, and we need real reform that ensures every American has access to affordable quality care. The single most important tenet of high-quality care is the doctor-patient relationship. It used to be that doctors visited the patient's house. Today patients visit the doctor's office, but the principle remains the same: doctors and patients are in charge of individual health care decisions. Our top priority must be preserving and protecting that relationship.

To that end, I am proud to be sponsoring and supporting the Medical Rights Act, which will guarantee the rights of patients to control their own health care by banning government interference in those decisions. As Congress moves forward on health care reform, we need to ensure that patients and their doctors, not government bureaucrats, remain in charge of health care decisions.

CELEBRATING MEMORIAL DAY

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

Ms. GIFFORDS. Mr. Speaker, it is with great respect that I rise today to honor and recognize our Nation's military and their families. As Memorial Day approaches, we remember the sacrifices of daily military life, but we also remember the legacy of service that blazed the trails of the American West and the avenues of freedom around the world.

Last weekend we laid to rest the bodies of 57 Tucson-area Civil War soldiers who were stationed in the Arizona Territory in the 1800s. They served in the Cavalry and the infantry as cooks and as scouts on the frontlines of American expansion. As we led the motorcycle escort to their final resting place near Fort Huachuca and Sierra Vista, hundreds of our Nation's veterans and supporters showed through their outpouring of patriotism that the underpinnings of Memorial Day are important every single day.

I ask my colleagues to join me in remembering all of the servicemembers and their families who have sacrificed for our great Nation both abroad and here at home.

INTRODUCTION OF SOCIAL SECURITY NUMBER FRAUD AND IDENTITY THEFT PREVENTION ACT

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

Mr. COFFMAN of Colorado. Mr. Speaker, millions of Americans are hurt by identity theft every year. My legislation, the Social Security Number Fraud and Identity Theft Prevention Act of 2009, H.R. 2472, will enable the Social Security Administration to work with the Department of Homeland Security in searching for records to identify individuals and employers who are using false names, false Social Security numbers, multiple individuals using the same Social Security number, the fraudulent use of Social Security numbers taken from dead people, and individuals who had applied and received a Social Security number but who are not legally entitled to work in the United States.

According to the most recent national survey by the Federal Trade Commission, 8.3 million adults in the United States were victims of identity theft and 1.8 million adults in the U.S. reported their personal information fraudulently used by somebody else. This legislation, H.R. 2472, will end a bureaucratic loophole that keeps Federal agencies from cooperating in the fight against identity theft. I strongly urge its passage.

RESTORING FISCAL ACCOUNTABILITY

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

Mr. ARCURI. Mr. Speaker, President Obama and this Congress inherited a fiscal and economic downturn the likes of which we have not seen in this country in generations, including a record deficit and soaring unemployment. Democrats have been committed to fiscal responsibility since taking control of the House in 2007. The first thing the Democratic-led Congress did in 2007 was re-impose PAYGO budget rules in the House. As a member of the Blue Dog Coalition, I applauded that and supported that strongly and continue to. We are working hard to reform our Nation's health care system, which will reduce the deficit, save money for consumers and improve efficiency in the health care system. I applaud President Obama and the Democratic Congress for taking these critical steps, and we will continue working with him to reduce our Nation's deficit and debt.

THE TAX KNOWN AS CAP-AND-TRADE

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

Mr. REHBERG. Mr. Speaker, in order to seem like they are keeping the promise of no new taxes, some Democrats have simply stopped calling their tax policies taxes. For example, this week they're calling a $645 billion tax increase cap-and-trade. But the Democratic chairman emeritus of the House Energy Committee, Congressman DINGELL, warned that most Americans didn't know that cap-and-trade was—quote—''a tax, and a great big one.'' Cap-and-tax supporters suggest this money is pulled out of thin air. The truth is that each year under cap-and-tax, every American household will have to come up with an additional $3,100 just to heat the house, run the washing machine or use energy. Most families don't have an extra $3,100 just

sitting around. Americans are struggling to make ends meet. I ask my colleagues not to raise taxes on those who can least afford it.

ENERGY BILL IS A WIN-WIN FOR AMERICANS

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

Mr. PALLONE. Mr. Speaker, the energy bill that the House Energy and Commerce Committee is about to finish marking up today is a win-win situation for Americans. First of all, it achieves energy independence, which is so important for our national security. At the same time, it basically helps in a significant way to reduce pollution. We know about global climate change. We know we must address it in a significant way.

But even more important, I want to stress the job creation. The fact of the matter is, it will create a lot of jobs by investing in new renewable technologies, such as solar power, wind power, geothermal. Imagine this: In one piece of legislation, which will come to the House when we come back after Memorial Day, we will be able to make headway towards energy independence, not rely on foreign oil, create jobs in new industries and new technologies, and also address the problem of global climate change.

The fact of the matter is, it's a win-win situation for the American people. It is something that most of my constituents have been clamoring for for a long time. Once again, this new Congress and this President will achieve a major victory for the American people.

CAP-AND-TAX WILL CAP OUR GROWTH AND TRADE OUR JOBS

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

Mr. FLEMING. Mr. Speaker, the crazy cap-and-tax idea advanced by my liberal colleagues would create $640 billion in new taxes on American businesses and raise electrical bills by $3,100 per household per year. This cap-and-tax proposal creates an artificial market to find revenue to pay for various social programs that this administration plans to enact, such as government takeover of our health care. This boondoggle will cap our growth and trade our jobs. Companies looking to invest in our economy will simply move overseas to escape this enormous tax increase.

You don't believe me? Look in the crystal ball at Spain, which has been on this plan for 10 years. After losing a number of companies, seeing utility prices skyrocket and suffering a 17.5 percent unemployment rate, we can see our future clearly. Even worse, experts tell us that cap-and-tax will do nothing to cap greenhouse gases, but it will put the United States at a global economic disadvantage because China and India will ignore this scheme. In fact, it will also serve as an economic stimulus for all developing countries which will be happy to accept our jobs.

Why not use common sense for a change and develop true renewable resources as well as nuclear power, which has a zero carbon footprint?

AMERICAN ENERGY INDEPENDENCE

(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, I am proud to represent one of the greenest districts in America, thanks to our hydroelectric dams that produce 70 percent of our electricity in Washington State. When you combine that with nuclear and wind and solar and biomass, we have one of the smallest carbon footprints in the country. Yet cap-and-trade would penalize Washington State, too, forcing us to pay higher costs for our energy. A Federal judge in Portland is proposing, or wants us to consider at least, removing the four lower Snake River dams that provide 5 percent of our electricity.

Mr. Speaker, we need to stop saying no to American energy and start saying yes to American energy. We need to unleash American energy producers and not implement policies that are actually going to hurt our economy, trade our jobs and cause them to go overseas make us more dependent on foreign sources of energy.

Let's say yes to American energy. Let's say yes to American energy independence.

INVESTING IN ALTERNATIVE ENERGY

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

Mrs. CAPITO. Mr. Speaker, last summer's run-up in gasoline prices highlighted for all of us the challenges that face our Nation because we have not embraced a wide range of our own energy resources. With that premise in mind, I've joined with my Republican and Democrat colleagues to craft an energy bill that will invest in alternative energy, promote new technology and encourage conservation—all without raising taxes on consumers.

Instead of penalizing domestic energy production with a national energy tax like the one moving through our Energy and Commerce Committee, we need to use our royalties from offshore energy exploration to fund investments in new cleaner energy technologies. That means renewable, nuclear, environmental restoration and clean water efforts.

In addition, this bill reflects the fact that coal is one of our most abundant resources. Based on current energy prices, we could see up to $220 billion to invest in clean coal reserves from royalty revenue from this bill.

Simply put, this bill helps us cleanly take advantage of our immense domestic resources and provides incentives for lower emissions without imposing a burdensome national energy tax on everyday consumers. Remember, energy policy has real costs for real people.

□ 1030

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. The Chair may postpone further consideration of the conference report to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. GUTIERREZ). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, House Resolution 463 provides for consideration of the conference report to accompany S. 454, the WASTE TKO Act of 2009.

Mr. Speaker, today the House will consider the conference report to accompany S. 454, the Weapon System Acquisition Reform Act of 2009. Last week, the House took an important step toward sending this legislation to the President when it passed H.R. 2101, the WASTE TKO Act of 2009, as amended, by a vote of 428–0. I would like to thank my colleagues on the House Armed Services Committee, Chairman SKELTON, Ranking Member MCHUGH, Representative ANDREWS, and Representative CONAWAY, for their tireless work on this bill.

The conference report before us today includes three key provisions from H.R. 2101. First, it requires the Secretary of Defense to designate one official as the principal expert on performance assessment in acquisition.

Second, the agreement mandates that weapons systems which are not meeting the standards set in statute or which have incurred critical Nunn-McCurdy breaches will receive additional reviews, along with increased oversight from Congress and the necessary corrective measures to ensure that these programs succeed.

Lastly, the agreement requires the Department of Defense to develop a system for tracking cost growth and schedule changes before a weapons systems moves into the systems development phase.

With these key provisions, the conference agreement includes the strengths, ideas, hard work, and spirit of both H.R. 2101 and S. 454. It is the culmination of the thoughtful and thorough efforts of the House and Senate Armed Services Committees, and it is a noteworthy example of what the Congress can accomplish with a focused bipartisan and bicameral effort.

However, while I am proud of my colleagues, I am truly excited about what this legislation will accomplish on behalf of the American people. According to the GAO, the Department of Defense is the largest buying enterprise in the world. What this means is that the American taxpayer is truly invested, in every sense of the word, in the capability, efficiency, and accountability of the Department of Defense.

In March 2009, the GAO identified $296 billion in cumulative cost growth on 96 major defense acquisition programs. Mr. Speaker, let me put this in perspective. We are spending more on cost overruns than the amount that we spend on salaries and health care for the entire American military for 2 full years.

The GAO also found that these major weapons programs were behind schedule, on average, by 22 months.

This is shocking and unacceptable to the American public, especially in such challenging economic times. We can do better than this. We can do better than $300 billion over budget and nearly 2 years behind schedule at a time when our Nation's resources are limited, our men and women in uniform are in harm's way, and our family budgets are being cut back to provide only the bare necessities.

In my home State, Mainers have always lived with an ethic of hard work, a spirit of responsibility, and a determination to provide the best they can with what they have.

This legislation was crafted in that very same spirit. By ensuring accurate assessments in the performance of a weapons systems and accurate assessments in its cost, a taxpayer can be certain that they are getting the best bang for their buck by providing ''intensive care'' for sick programs, and our soldiers can be assured that they receive the necessary capabilities and appropriate technology to defend our country and themselves. In short, this legislation keeps the taxpayer in mind and the men and women of the Armed Forces at heart.

I look forward to completing the work on this bill.

And I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my very good friend and new colleague from Maine for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, let me begin by apologizing for being tardy as I came to the floor here. I was downstairs meeting with the very distinguished Chief Justice of the California Supreme Court, Ronald George's colleague, Justice Ming Chin, and several other staff members about very important foster care programs, and so I appreciate the understanding of the House as I was making my way through the corridors and up here to the House floor.

This is very important legislation that we are addressing today, Mr. Speaker. As was said in the testimony delivered by both the chairman of the Armed Services Committee, our friend from Lexington, Missouri, Mr. SKELTON, and the very distinguished ranking member, Mr. MCHUGH, this really is Congress at its best. We share a strong commitment to our Nation's national security. I know that the President of the United States is delivering a speech at the Archives about the very great importance of national security and its relationship to the very important civil rights that the American people cherish and revere.

I know that it is an ongoing challenge, but as we deal with the issue of national security and our Nation's Armed Services, it is important for us to do everything that we can to ensure that we have a cost-effective national defense. When we are debating defense issues, Mr. Speaker, I regularly like to say the five most important words in the middle of the Preamble of the U.S. Constitution are ''provide for the common defense.'' And I point to those because when one thinks about virtually everything that the Federal Government does, most all of it could be handled either by family members and local communities, at the city level, at the county level, and at the State level. But there is one thing that cannot be handled by families, communities, cities, counties, or States, and that is the national security of the United States of America. That is solely a Federal responsibility. And that is why I believe when we look at what we as a Congress are doing, as the Federal legislature is doing, it seems to me that our responsibility is to do everything that we can to provide for the common defense as directed in the Preamble of the Constitution.

As we do that, we have to recognize that there is a great deal of attention focused, Mr. Speaker, on the challenging economic times that we face. In fact, many people today are arguing, and we might have a tendency to say, that our number one priority is dealing with getting our economy back on track. And it is clearly what we are spending most of our time and effort discussing and debating as to which path we take to get our economy back on track. But we cannot forget that as important as it is for us to get our economy back on track, it comes in second to our national security. Some argue that if we spend too much money on national defense what is it that we would lose? We lose some money. If we spend too little on our national security, what is it that we lose? We lose this very precious experiment known as the United States of America.

Today, as we look at the challenges that exist around the world, the fact is that unlike wars in the past—and I did a telephone town hall meeting last night and was discussing this with a number of my constituents, who pointed to the fact that we don't have adversaries who are wearing uniforms or represent a nation. As we continue to try to work in a bipartisan way to prosecute this war against radical extremism, we have conflicts today that are much different than those that we as a Nation had faced in the past. But we also, as I said, are facing extraordinarily difficult economic times.

And that gets to the very point of this legislation. While we say we want a strong national defense, I always like to have that little caveat, ''cost effective.'' We want to make sure that we have a cost-effective national defense. I'm looking at my colleague from New Jersey, my new colleague from Maine, and I don't know if they were here, I know my colleague from Maine wasn't here, I don't know if my colleague from New Jersey was here, but we had raging debates that took place in this institution over $600 hammers and items that people could clearly look at as being horrible examples of wasteful spending. And they were tangible items that they could see. I mean, $600 for a hammer, whatever it was, $800 for a toilet seat, those kind of things that came out in the news back then, they led to understandable outrage on the part of the American people, and it was reflected in this Congress. And so we tried to turn the corner, making sure that we had a more cost-effective national defense when it came to those issues.

Again, I always say when you talk about smaller levels of spending, people can relate to them more. What we are here dealing with today are ways in which we can bring about reductions in spending for massive large weapons systems. That is what this is all about, putting into place a structure that will allow that to happen.

That is why I am so pleased that Mr. MCHUGH was able to join with Mr. SKELTON and our colleagues in the Senate as well, Senators LEVIN and MCCAIN, and work very hard on this. They came together with a bipartisan recommendation. It was reported out of this House by a vote of 428–0. And I don't recall for sure, I think it must have been unanimous in the Senate as well. I don't know if they had a recorded vote over there. But I do remember the vote that we had here.

So here we are today dealing with an area of complete agreement. I will say procedurally this conference report could have been passed without either of us taking the time of the Rules Committee or standing here. All I would have done, all my friend from Maine would do, as Rules Committee members, we wouldn't have done it, we would just have Mr. SKELTON and Mr. MCHUGH stand up, and Mr. SKELTON could propound a unanimous consent request that this conference report be adopted, and it would be adopted unanimously.

So I will say procedurally, it is great to have a chance to stand here and talk to my colleagues, Mr. Speaker. I enjoy it probably more than they. But the fact is we don't need to be here doing this because there is agreement. But it is, I believe, important to focus on the fact that we have been able to work in a bipartisan way to do everything possible to bring about a more cost-effective national defense.

And when you think about cost effectiveness, it means that resources will be able to be utilized for something that we all hold near and dear, and that is the men and women in uniform that are out there. I remember in debate we had last week one of the amendments that unfortunately was not made in order was an amendment by my colleague from Illinois, Mrs. BIGGERT, who wanted to have an increase in compensation for our men and women in uniform. I strongly supported her right to offer that amendment, and I would have supported that amendment. I suspect my colleagues would have as well if we had had that amendment made in order.

The fact that we are going to be able to save, and I asked Mr. SKELTON and Mr. MCHUGH last night what they believe we would be able to save quantifiably with this, and numbers in excess of hundreds of billions of dollars were the kinds of numbers thrown out. And so I hope very much that we are able to do that and that those resources will be able to be used for a much greater purpose, and that is for our men and women in uniform who need the kind of continued support that we can give in this institution.

So Mr. Speaker, I am strongly supportive of this legislation. I congratulate my Democratic and Republican colleagues for working together on this, and by virtue of that, I will be supportive of the standard conference report rule that we have here which will allow for 1 hour of debate for the managers of the legislation, and then we will be able to proceed with something that is, I suspect, more controversial as we come back after the break.

□ 1045

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I first want to say to my good friend and colleague from California, I, too, agree that it is nice to be on the floor talking about a wonderful bipartisan effort and having such agreement on an issue that is very important to the people of this country.

Mr. Speaker, at this moment, I'd like to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee who did considerable work on the issue we're talking about today and made it possible for us to bring it to the floor.

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

Mr. ANDREWS. Mr. Speaker, I thank the gentlelady for yielding. I thank my friend from California and all the members of the Rules Committee for their cooperation in bringing this conference report to the floor.

We will later speak about the merits substantively on this legislation, but I do think my friend from California's remarks merit a comment because I think this is a victory for the institution as well. This is an institutional process that benefits us as an institution.

There was a panel created by Chairman SKELTON and Mr. MCHUGH that Mr. CONAWAY and I were fortunate enough to lead that helped generate this legislation. We had open hearings. It was followed by two full committee hearings that touched on the subject, followed by an open, full committee markup in the Armed Services Committee, followed by an opportunity on the floor under the suspension rules because it was not controversial for us to go forward, followed by very diligent work in the conference committee, for which we'd like to thank from the other body Chairman LEVIN and Senator MCCAIN and their colleagues, followed by this floor debate.

The media dwell on our situations where we disagree with each other, and disagreement is healthy in democracy. It's very important for us to highlight times when we agree with each other, when the process works as it should. This is one of those times, and I would like to thank and congratulate all Members of both bodies, particularly the Rules Committee, for facilitating this success here today.

Thank you.

Mr. DREIER. Mr. Speaker, I don't have any other requests for time. As I said, there's no controversy on this rule. It's something that could have been done. So I'll reserve the balance of my time and see if my colleague has any speakers.

Ms. PINGREE of Maine. I will reserve my time until the gentleman has closed. I have no other speakers.

Mr. DREIER. Mr. Speaker, as I have said, I believe that this is the institution at its best. My friend from New Jersey has pointed out the work that he and Mr. CONAWAY did. I congratulate them for their tireless efforts in dealing with this, and I hope that we are able to save hundreds and hundreds and hundreds of billions of dollars that can go for a much better purpose than the kind of waste that obviously has come forward in the past; but at the same time, it is of the utmost importance that we make sure that in so doing that we don't in any way take a retrograde step on the national security capabilities of the United States of America.

And I believe passionately that as we look at these challenges that exist around the world, it is a very, very dangerous place, this planet, and we are the world's only complete superpower: militarily, economically, and geopolitically. And we are going through trying times here in the United States and around the world economically, and I know that the weakened economy could enhance the likelihood of greater military challenges ahead.

And so as the work proceeds of these two entities that are being put into place at the Pentagon, I know that they will not in any way take steps that diminish our capability to defend the United States of America or our interests around the world.

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

Ms. PINGREE of Maine. Mr. Speaker, as my good friend from California has mentioned, we have some essential responsibilities as Members of Congress. Our constituents have charged us with several responsibilities. It would be impossible to list them all today, but I think it is essential to highlight three of those charges.

Our constituents have charged Congress with keeping our country safe and secure, from both the threats of today and the threats of tomorrow. Our constituents have asked to stand up for and defend our men and women in uniform, just as our men and women in uniform have defended us. And our constituents have asked us to spend their tax dollars in a way that is prudent, productive, and responsible.

Today, we take a step forward in living up to these responsibilities as the House considers the conference report for S. 454, the Weapon System Acquisition Reform Act of 2009. I urge a ''yes'' vote on the previous question and on the rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 464

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and the amendment considered as adopted by this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of such report, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part C of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The chair of the Committee on Transportation and Infrastructure is authorized, on behalf of the committee, to file a supplemental report to accompany H.R. 915.

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

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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 such time as I may consume.

Mr. Speaker, H. Res. 464 provides for a structured rule for consideration of H.R. 915, the FAA Reauthorization Act of 2009.

I would like to acknowledge Chairman OBERSTAR and Ranking Member MICA of the full Committee on Transportation and Infrastructure and Chairman COSTELLO and Ranking Member PETRI of the Aviation Subcommittee and thank them for their bipartisan work on H.R. 915. As a member of the full committee, I take great pride in being a part of the cooperative atmosphere, and I believe that it yields positive results, both for Congress and the American people.

Mr. Speaker, we are here today to consider H.R. 915, the FAA Reauthorization Act of 2009. In many ways, it is unfortunate that we must consider this bill because the reauthorization of the FAA and its programs expired over 3 years ago. The House passed a reauthorization bill in September of 2007 that was very similar to the measure we will consider today. Unfortunately, the Senate was unable to move the FAA reauthorization last Congress, and so we are forced to take the lead once more, affording the Senate even more time to act than we did in the previous Congress.

The American public cannot afford to wait any longer for this legislation. The bill makes essential increases in aviation funding and safety improvements that are long overdue. In the past few months, we have seen, in New York State alone, my home, two crashes involving regional jets, and the investigations into those crashes have revealed that greater safety oversight is needed.

H.R. 915 includes a number of provisions that will make air travel safer for the American public, such as a requirement that the FAA increase the number of aviation safety inspectors and increase funding for programs that reduce runway incursions. The bill requires the FAA to inspect foreign repair stations at least twice a year and perform drug and alcohol testing on those individuals working on U.S. aircraft, to ensure that aircraft maintenance is performed in a safe and responsible manner. The bill also directs the FAA to begin an administrative rulemaking process to revise existing aircraft rescue and fire fighting standards that have not been updated in 21 years.

Many of those safety improvements come with increased costs. I have personally heard from a number of smaller airports in my district that are concerned that the cost of complying with the new fire fighting standards will pose a severe economic hardship on them, possibly causing a reduction in air service. I would like to thank Chairman OBERSTAR and Chairman COSTELLO for addressing my concerns on this matter during yesterday's Rules Committee hearing.

The provisions related to the aircraft rescue and fire fighting rulemaking specifically require that the Secretary of Transportation conduct an assessment of potential impacts associated with the revisions; that is to say, that they will review the rulemaking and make a determination on how smaller airports, if there is a question with their ability to comply, how they can comply and continue the service to the region that they represent. In addition, the rulemaking process will involve a public comment period for impacted airports to weigh in on the proposed changes.

The bill also includes increased funding that will help airports comply with these new safety measures. The bill includes $16.2 billion over the life of the bill for the Airport Improvement Program, also known as AIP. Airports can use AIP funding to make safety improvements or purchase emergency equipment.

In addition, the bill includes an increase on the maximum passenger facility charge that airports can assess on travelers. Airports can use PFC revenue to preserve or enhance the safety, security, or capacity of the national air transportation system; to reduce or mitigate noise impacts resulting from an airport; or to provide opportunities for enhanced competition among or between carriers. In order to take advantage of this increase, major airports will have to forego a portion of their AIP funds which will be designated for projects at smaller airports.

The FAA Reauthorization Act also includes $70 billion for the FAA's capital programs between fiscal year 2009 and fiscal year 2012 so the FAA can make needed repairs and replace some existing facilities and equipment. This will improve airline capacity and efficiency and, at the same time, improve safety, reduce environmental impacts, and increase user access.

Mr. Speaker, this legislation is long overdue. The President has urged us to pass it. And it is especially timely that we approve a reauthorization of the FAA now, before the summer flight congestion and weather-related delays create even more havoc for the traveling public.

I urge my colleagues to vote ''yes'' on the rule and to support the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I'd like to thank my friend the gentleman from New York (Mr.

ARCURI) for the time, and I yield myself such time as I may consume.

Mr. Speaker, south Florida has a rich and proud flying history. Aviation's entry into south Florida came in 1911 when the Wright brothers delivered a biplane for Miami's 15th anniversary celebration.

□ 1100

After World War I, the city rapidly developed as an aviation center. By 1928, Pan American Airways had moved its headquarters to Miami, followed soon by Eastern Airlines and National Airlines.

In 1937, Amelia Earhart took off from Miami Airport in Hialeah on her final fateful around-the-world flight.

During World War II, Miami transformed into a training base and departure point for the theaters of war. Following the victory, commercial aviation experienced an explosion in growth and development, and Miami International Airport rose to prominence. Today, that airport continues to be one of the busiest in the Nation and a major gateway to the Americas.

In 2008, almost 34 million passenger passed through Miami International Airport. Almost half of them were international passengers.

MIA is not only a hub for international travel, it also plays an integral role in global trade. The airport is among the Nation's top air cargo handlers, with almost 2 million tons handled last year, and a record 2.1 million tons processed in 2006. Also, MIA handled nearly 80 percent of all air cargo imports and exports between the United States and Latin America.

Because it is both an international hub for passengers and cargo, the airport provides the south Florida community with an economic contribution of over $26 billion annually, generating almost 300,000 jobs, almost $700 million in Federal aviation tax revenue, and almost $1 billion dollars in State, county and municipal tax revenue.

However, if MIA is going to continue to play such an important role as a trade gateway, it obviously must continue to grow. The airport is currently in the midst of a $6.2 billion capital improvement program that has made progress. It's had some problems, but it's made progress, despite costly delays and large cost increases.

This capital program, when completed in 2011, will expand the terminal and concourses by over 3.9 million square feet, for a total of 7.4 million square feet, with added cargo facilities increasing from 2.7 million square feet of space and 17 buildings to nearly 3.5 million square feet and 20 cargo processing buildings.

If U.S. air travel is to continue its fundamental role in our economy, we have to make certain that we have the safest, most modern and efficient transportation system in the world. By reauthorizing the Federal Aviation Administration funding and safety oversight programs, the underlying legislation that is being brought to the floor takes an important step toward that goal.

H.R. 915 helps airports meet the challenges of congestion and delays by, among other things, authorizing over $16 billion for the Airport Improvement Program. That program provides grants to airports to help them with capacity and infrastructure problems.

The bill also provides over $13 billion for facilities and equipment programs to expedite the deployment of the Next Generation Air Transportation System, and to assist airports in repairing, replacing and upgrading existing equipment and facilities.

Currently, there is a contract dispute between the air traffic controllers and the Federal Aviation Administration. Now, I admire air traffic controllers. They are highly trained, hardworking professionals. I'm honored to know those who are in south Florida, the air traffic controllers, and I'm very proud of them. I'm very proud of them for their extraordinary work and their dedication. Under great pressure, with no room for error, they manage our skies and keep the traveling public safe. I'm pleased that the distinguished chairman has acknowledged the dispute and taken steps to resolve the issue.

Although I support the underlying legislation, Mr. Speaker, very important underlying legislation, I must oppose the rule that is bringing it to the floor because it blocks, that rule blocks a complete and fair debate unnecessarily, once again and unfortunately, once again.

The rule brought forth by the majority today forbids the House from considering amendments from Members on both sides of the aisle. Yes, it allows four out of six Republican amendments that were introduced in the Rules Committee, but it blocks, it prohibits, a total of 21 amendments. Some of those amendments are bipartisan amendments, and most are amendments from the majority party. I may not have voted for all those amendments that were blocked by the majority on the Rules Committee, but I certainly believe that this House should have had the opportunity to debate them, to consider them, and to vote on all the amendments.

I don't know why, Mr. Speaker. I'm not sure why the majority, each time a bill comes up for consideration under a rule, it consistently, the majority consistently blocks amendments from debate. Why? Why is the majority blocking amendments? Is it that they're afraid of debate? Are they afraid of losing the vote on some amendments? Are they protecting their Members from what they consider to be tough, difficult votes? Are they afraid of the democratic process? Or is it all of the above?

I reserve.

Mr. ARCURI. Mr. Speaker, I thank my friend from Florida for his comments, and my colleague from the Rules Committee, and thank you for the history of the Miami Airport. I was not familiar with the importance that it played in the history of the aviation of our country, but I thank you for that.

I just want to point out that, with respect to your comment about amendments, that there were, in all, eight Republican amendments submitted to the committee, of which five were made in order. Yet the Democrats submitted 22 amendments, and only seven of those were made in order. So I would say that the percentage was more than fair on both sides of the aisle.

With that, Mr. Speaker, I yield 4 minutes to the gentleman from Florida, my colleague from the Rules Committee, Mr. HASTINGS.

Mr. HASTINGS of Florida. I thank my colleague from the Rules Committee for yielding me the time. And I also would like to refer to my friend, and he is my good friend from Florida, who asks the question, why would the majority, quoting him, ''block legislation.''

My friend, when he was in the majority, knows that I served on the committee with him for a number of years, and I suffered the frustration of being in the minority, and perhaps that is what you suffer.

But beyond that, I have the distinct recollection of even being on the Rules Committee and not even having my amendments made in order; so it is not only the general body, even the members of the Rules Committee, it is the function and the way that the House works, and that is that the majority rules.

Mr. Speaker, H.R. 915, the FAA authorization action of 2009, has been delayed for almost 3 years. This, in my opinion, is far too long for such a critical issue. Essential increases in aviation funding and safety improvement have been allowed to languish.

Under the Bush Administration there was another attempt made to approve this legislation, but it was delayed yet again by the Senate.

I believe the time has come for action. For years I have fought, along with colleagues, for a new tower at Palm Beach International Airport. And yet, with all their infinite wisdom, the Federal Aviation Administration approved plans for a new tower that is under construction that is in abatement at this moment, but intends to strip the state-of-the-art TRACON radar out of Palm Beach International and move it to Miami.

By placing all of south Florida's major radar functions under one roof in Miami, the FAA is creating an extremely dangerous scenario, especially in light of the fact that Florida is vulnerable to hurricanes and has been designated as a high-risk urban area.

If a hurricane were to barrel through Miami-Dade County and damage MIA's control tower and subsequent radar system, as Hurricane Andrew did, then it's highly possible, indeed likely, that

emergency efforts in Palm Beach and south Florida could be dramatically hindered.

The FAA's contingency plan would require that controllers in Jacksonville, an airport more than 350 miles away, direct approaching aircraft, not only in their assigned region, but throughout all of south Florida and virtually the entire State, without additional staff and technology.

For my constituents, H.R. 915 contains a provision that I consider very important, and worked hard to make sure that it was included. I thank Chairman OBERSTAR and Subcommittee Chair COSTELLO and especially their staffs for the extraordinary work that they have done on this overall bill, and I'm deeply appreciative that they included this language, and I hope the FAA gets it.

The administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating Terminal Radar Approach Control. It creates a process to ensure that these realignment efforts are properly reviewed and evaluated, and that stakeholders are involved throughout the entire process. This will help ensure that realignment decisions are not arbitrary nor are they made with only financial considerations taken into account.

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

Mr. ARCURI. I yield the gentleman an additional 2 minutes.

Mr. HASTINGS of Florida. Throughout my career, rarely have I seen a Federal agency as dysfunctional, unorganized, or downright incompetent, certainly totally irresponsible as it pertains to this issue, and unresponsive to my and the efforts of others to see to it that this matter is concluded in a positive manner.

□ 1115

The way that they functioned under the Bush administration certainly is not to be admired. For years, I've been fighting the FAA to stop the consolidation and the realignment of south Florida air traffic control facilities, and the same holds for other areas of the country where appropriate studies are needed before such decisions are taken.

As my constituents know, I take this very personally. Simply put, the lives of millions of people all across this country are in the hands of air traffic controllers every single day. I'm sorry, but we can't play politics with one's personal safety.

My good friend from Florida referenced the air traffic controllers. On Monday, I received, as before did Mr. OBERSTAR and Mr. COSTELLO, the Sentinel of Safety Award. I thank my friends that are National Air Traffic Controllers Association members, particularly those who have worked with me on this project—Mitch and Shane and others in the area—and my former staff person, David Goldenberg. I would like to shout out to him and thank him and Alex Johnson on my staff for the extraordinary work that they have done.

I urge the adoption of this rule and the passage of this underlying legislation.

I would ask my friend from Florida, since he, like me, is a fan of the National Air Traffic Controllers Association, if he supports their quality of life issues and their increase in appropriate pay.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I appreciate my dear friend and colleague and the fact that he shares also my admiration for the air traffic controllers and my support for the measures to increase their quality of life and to recognize the extraordinary work that they do each day and the importance of the extraordinary work that they do each day.

With regard to the fact that when he was in the minority he experienced some of his amendments being denied, I've also had that experience. Obviously, it's a lot more challenging to be in the minority than it is to be in the majority. Of course, I'm always hopeful because, in the next bill that's going to be considered by the Rules Committee, I'm going to introduce another amendment. So there's hope. There's hope. I never lose hope that there will be additional fairness in the next rule.

I say to my good friend Mr. ARCURI—and he is my friend, as Mr. HASTINGS is—that, yes, I recognize, on this particular rule a significant number of Republican amendments were made in order. What I fail to understand is the logic in opening up the process on legislation, especially on legislation that obviously enjoys almost consensus support. I recognize the obligations of the majority to frame debate here and to organize the floor. I recognize that. I had the privilege for many years of being on the Rules Committee in the majority. We've had closed rule after closed rule after closed rule, not in this case, as this is a structured rule where there have been more amendments authorized, but the amount of very strictly organized rules and especially the amount of closed rules has been really extraordinary and, I think, unnecessary. That's the point that I've been making.

I would inquire of Mr. ARCURI if he has any additional speakers.

Mr. ARCURI. No, we have no further speakers, and I would be ready to close.

Mr. LINCOLN DIAZ-BALART of Florida. We thought we did, but we don't. So at this point we will be urging a ''no'' vote on the previous question and a ''no'' vote on the adoption of the rule.

Again, Mr. Speaker, the underlying legislation is important, and it's going to enjoy great bipartisan support, but we think that the process of debate should have been fully open, so that's why we'll be asking for a ''no'' vote on the previous question as well as on the rule.

At this point, I yield back the balance of my time.

Mr. ARCURI. I thank the gentleman from Florida, my good friend and colleague from the Rules Committee, for his very capable handling of this rule.

Mr. Speaker, in closing, I would like to say that the need to pass this legislation could not be clearer. We're about to enter the summer travel season, and as we saw last summer, the typical increase in passenger travel, coupled with summer thunderstorms, can wreak havoc on our air traffic system and on passengers' travel plans.

H.R. 915 will address the congestion and capacity issues by providing funding to accelerate the implementation of the Next Generation Air Transportation System, commonly known as NextGen, which will replace outdated technology with emerging technologies and automated flight capabilities.

The FAA Reauthorization Act also contains important consumer protection measures that will provide relief to passengers who find themselves helplessly caught in the air traffic system. The bill requires airlines and airports to have emergency contingency plans approved by the U.S. Department of Transportation detailing how airlines and airports will deplane passengers following excessive delays.

The Department of Transportation will have the authority to assess civil penalties against an airline or an airport that fails to adhere to an approved contingency plan. Airlines will also be required to include on their Web sites and on electronic boarding passes the U.S. DOT Consumer Complaint Hotline number and the contact information for both the U.S. DOT's Consumer Protection Division and airline. The bill also requires the U.S. DOT Inspector General to review airlines' flight delays, cancellations, and their associated causes and report back to Congress.

These are important protections that the American public desperately deserves against the often indifferent giant airlines. Let's work together today to see that they are implemented in a timely manner. I urge a ''yes'' vote on the previous question and on the rule.

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

The 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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. ARCURI. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 133

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 2, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 1, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Concurrent Resolution 133 will be followed by 5-minute votes on ordering the previous question on House Resolution 464; and adoption of House Resolution 464, if ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 184, not voting 12, as follows:

[Roll No. 282]

YEAS—237

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

NAYS—184

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

NOT VOTING—12

Bachmann
Barrett (SC)
Bean
Engel
Flake
Gohmert
Hinojosa
Kaptur
Markey (CO)
Sánchez, Linda T.
Speier
Stark

□ 1152

Messrs. SMITH of New Jersey, CARNEY, BARTLETT, KUCINICH, RADANOVICH, ADLER of New Jersey, and Mrs. DAHLKEMPER changed their vote from ''yea'' to ''nay.''

Mrs. LUMMIS changed her vote from ''nay'' to yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 282, had I been present, I would have voted "yea."

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BISHOP of Utah. Pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of privilege of the House.

The form of the resolution is at the desk and is as follows:

H. RES. —

Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1997 to 2002 as Ranking Democratic Member of the House Permanent Select Committee on Intelligence;

Whereas Representative Pelosi currently serves as Speaker of the House, a position of considerable power and influence within the Congress;

Whereas title 3 of the United States Code designates the Speaker of the House as third in line of succession to the Presidency;

Whereas Speaker Pelosi has publicly challenged the truthfulness of what she and other congressional leaders were told by Central Intelligence Agency officials about the

agency's use of enhanced interrogation techniques on suspected terrorists;

Whereas in an MSNBC interview on February 25, 2009, Speaker Pelosi stated, ''I can say flat-out, they never told us that these enhanced interrogation techniques were being used'';

Whereas, Speaker Pelosi's public statements allege a sustained pattern of deception by government intelligence officers charged by law with informing Congress about the agency's activities;

Whereas when asked at a press conference on May 15, 2009 widely reported by the news media, ''Madame Speaker, just to be clear, you're accusing the CIA of lying to you in September?'' Speaker Pelosi stated, ''Yes'';

Whereas during the same press conference the Speaker subsequently stated, ''So yes, I'm saying they are misleading, the CIA was misleading the Congress'' and further, ''they mislead us all the time'' and ''they misrepresented every step of the way'';

Whereas in a memorandum to CIA employees released publicly on May 15, 2009, Leon Panetta, the CIA Director, stated, ''It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to Congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing the enhanced interrogation techniques that had been employed'';

Whereas national and international media reports on this controversy have damaged the reputation of the House by raising questions about whether the effectiveness of congressional oversight may have been undermined through false or misleading statements by intelligence officials;

Whereas in order to safeguard the reputation of the House it is imperative to reconcile as soon as possible the aforementioned contradictory statements by Speaker Pelosi and CIA Director Panetta: Now, therefore, be it

Resolved, That—

(1) a Select Subcommittee of the Permanent Select Committee on Intelligence shall be established to review and verify the accuracy of the Speaker's aforementioned public statements;

(2) the Select Subcommittee shall be comprised of four members of the full committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) The subcommittee shall have the same powers to obtain testimony and documents pursuant to subpoena authorized under clause 2(m) of Rule XI of the Rules of the House; and,

(4) the Select Subcommittee report its findings and recommendations to the House not later than sixty calendar days after adoption of this resolution:

Mr. BISHOP of Utah. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

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

The Clerk read as follows:

H. RES. —

Whereas the Honorable Nancy Pelosi, a Representative from California, served from 1997 to 2002 as Ranking Democratic Member of the House Permanent Select Committee on Intelligence;

Whereas Representative Pelosi currently serves as Speaker of the House, a position of considerable power and influence within the Congress;

Whereas title 3 of the United States Code designates the Speaker of the House as third in line of succession to the Presidency;

Whereas Speaker Pelosi has publicly challenged the truthfulness of what she and other congressional leaders were told by Central Intelligence Agency officials about the agency's use of enhanced interrogation techniques on suspected terrorists;

Whereas in an MSNBC interview on February 25, 2009, Speaker Pelosi stated, ''I can say flat-out, they never told us that these enhanced interrogation techniques were being used'';

Whereas Speaker Pelosi's public statements allege a sustained pattern of deception by government intelligence officers charged by law with informing Congress about the agency's activities;

Whereas when asked at a press conference on May 15, 2009 widely reported by the news media, ''Madam Speaker, just to be clear, you're accusing the CIA of lying to you in September?'' Speaker Pelosi stated, ''Yes'';

Whereas during the same press conference the Speaker subsequently stated, ''So yes, I'm saying they are misleading, the CIA was misleading the Congress'' and further, ''they mislead us all the time'' and ''they misrepresented every step of the way'';

Whereas in a memorandum to CIA employees released publicly on May 15, 2009, Leon Panetta, the CIA Director, stated, ''It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to Congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing the enhanced interrogation techniques that had been employed'';

Whereas national and international media reports on this controversy have damaged the reputation of the House by raising questions about whether the effectiveness of congressional oversight may have been undermined through false or misleading statements by intelligence officials;

Whereas in order to safeguard the reputation of the House it is imperative to reconcile as soon as possible the aforementioned contradictory statements by Speaker Pelosi and CIA Director Panetta: Now, therefore, be it

Resolved, That—

(1) a Select Subcommittee of the Permanent Select Committee on Intelligence shall be established to review and verify the accuracy of the Speaker's aforementioned public statements;

(2) the Select Subcommittee shall be comprised of four members of the full committee, two appointed by the chairman of the committee and two by its ranking minority member;

(3) the subcommittee shall have the same powers to obtain testimony and documents pursuant to subpoena authorized under clause 2(m) of Rule XI of the Rules of the House; and,

(4) the Select Subcommittee report its findings and recommendations to the House not later than sixty calendar days after adoption of this resolution.

□ 1200

The SPEAKER pro tempore. The Chair is prepared to rule on the privilege or not of the resolution.

Would the gentleman from Utah like to offer any argument on that question?

Mr. BISHOP of Utah. I appreciate that opportunity, sir.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. It is simply an issue that if, indeed, there has been a pattern of misconceptions, misinformation that has been given to the House of Representatives by an agency of government, that is an untenable and improper situation to have; and it is imperative that we try to find the truth of that matter, to make sure that if it has happened, it never happens again.

It seems obvious that a bipartisan committee, two Republicans and two Democrats, who are there to ascertain the veracity of those particular claims, that we have been systematically denied the truth or systematically been told inaccuracies, should be identified. That's the point of this particular resolution. It has nothing else to do except to establish a process whereby the veracity of this particular issue can be identified, and the House can know if, indeed, agencies have specifically had a pattern of misleading this House in information that is required.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution proposes to direct a select subcommittee of the Permanent Select Committee on Intelligence ''to review and verify the accuracy of'' certain public statements of the Speaker concerning communications to the Congress from an element of the executive branch.

Such a review necessarily would include an evaluation not only of the statements of the Speaker but also of the executive communications to which those statements related. Thus, the review necessarily would involve an evaluation of the oversight regime that formed the context for those communications as well.

On these premises the Chair finds that the resolution is not confined to questions of the privileges of the House. The Chair therefore holds that the resolution is not privileged under rule IX but, rather, may be submitted through the hopper.

Mr. BISHOP of Utah. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

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

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

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on H. Res. 464 and the adoption of H. Res. 464, if ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 172, not voting 9, as follows:

[Roll No. 283]

YEAS—252

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

NAYS—172

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

NOT VOTING—9

Bachmann
Barrett (SC)
Flake
Kaptur
Markey (CO)
Murphy, Tim
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1223

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.

PROVIDING FOR CONSIDERATION OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore (Mr. SALAZAR). The unfinished business is the vote on ordering the previous question on House Resolution 464, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 175, not voting 12, as follows:

[Roll No. 284]

YEAS—246

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

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bachmann
Barrett (SC)
Doyle
Flake
Kaptur
Markey (CO)
Murphy, Tim
Rooney
Sánchez, Linda T.
Scalise
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1234

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SCALISE. Mr. Speaker, on rollcall No. 284 I regret that I was unavoidably detained and missed rollcall vote 284 on ordering the Previous Question on the Rule to provide consideration for H.R. 915—FAA Reauthorization Act of 2009. Had I been present, I would have voted "nay."

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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 178, not voting 21, as follows:

[Roll No. 285]

YEAS—234

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

NAYS—178

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

NOT VOTING—21

Bachmann
Barrett (SC)
Cassidy
Cleaver
Davis (IL)
Doyle
Flake
Kaptur
LaTourette
Markey (CO)
Marshall
Murphy, Tim
Napolitano
Rooney
Sánchez, Linda T.
Schock
Smith (WA)
Speier
Stark
Stearns
Sutton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1241

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.

Stated against:

Mr. STEARNS. Mr. Speaker, on rollcall No. 285 I was unavoidably detained. Had I been present, I would have voted "nay."

CONFERENCE REPORT ON S. 454, WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 463, I call up the conference report on the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, 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 463, the conference report is considered read.

(For conference report and statement, see proceedings of the House of

Wednesday, May 20, 2009, at page H5795.)

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) and the gentleman from New York (Mr. MCHUGH) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

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

There was no objection.

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

Mr. Speaker, I'm pleased to bring before the House the conference report on S. 454, the Weapon System Acquisition Reform Act of 2009.

Last week, the House overwhelmingly approved H.R. 2101, the House Armed Services Committee's version of the bill, in a vote of 428–0 and sent us to conference with the Senate. Our conference concluded on Tuesday, and I can report that we reached agreement on strong legislation that will reflect well on the Congress as a whole.

Every Member attending the conference committee, House and Senate, on a bipartisan basis signed the conference report, and it passed the Senate last evening on a vote of 95–0.

It's tempting to conclude that a bill so unanimously supported must not do anything. How often are we able to agree unanimously on issues of real substance? However, in this instance, Congress will speak with a single voice and will, at the same time, adopt tough medicine for the acquisitions system.

This bill is landmark legislation, the strongest effort to reform the acquisition of weapons systems since the days of Les Aspin. In fact, I strongly believe this bill will be much more successful than earlier reform efforts. The consensus on this legislation is simply the result of a problem that has become so obvious and so urgent that every Member has concluded that strong action is required.

Too often in our current acquisition system, we end up with too few weapons that cost us too much and arrive too late. GAO tells us that DOD will exceed its original cost estimates on 96 major weapons systems by $296 billion. That's more than 2 years of pay and health care for all our troops. We can no longer tolerate this state of affairs.

To those who oppose change, the vote yesterday in the Senate and the vote today in the House will send the message that the Congress means business, for maintaining the status quo of indiscipline and inefficiency in acquisition is no longer an option.

Let me briefly summarize the bill's provisions.

It establishes a new director of cost assessment and program evaluation who will ensure that in the future DOD uses realistic cost estimates as the basis for its decisions. The bill re-establishes a director of developmental test and evaluation who will coordinate closely with the director of systems engineering to ensure that we rebuild the technical expertise to oversee complex weapons programs.

To ensure that the Department follows through on these measures, the bill requires DOD to make an official response for performance assessment. It also assigns additional responsibility to the director of defense research and engineering for assessing technological maturity and to unified combat commanders, those leading the fight, for helping to set requirements.

□ 1245

In the area of policy, we required DOD to balance its desire for cutting-edge capabilities with the limits of its resources in setting military requirements. We require competitive acquisition strategies. We require DOD to get programs right in the early stages, when problems can be solved at a low cost. We also require DOD to put intense management focus on problem programs until they are either healed or terminated. We strengthen the Nunn-McCurdy process, and we ask DOD to eliminate or mitigate organizational conflicts of interests among its contractors.

Now, I know that many Members of the House have a deep interest in acquisition reform. Let me assure you that with the passage of this bill, the House Armed Services Committee has no intention of resting on its laurels. S. 454 deals almost exclusively with major weapons system acquisition, which is only 20 percent of the total that DOD spends on acquisition on an annual basis. There are also serious problems with the other 80 percent of the acquisition system and, as a result, the House Armed Services Committee established the Panel on Defense Acquisition Reform led by ROB ANDREWS and MIKE CONAWAY to investigate further improvements to the acquisition systems.

Mr. Speaker, I ask that the Members of this body vote for the conference report on S. 454, move this legislation to the President's desk for his signature this week, and continue to work with us on acquisition reform in this Congress.

With that, I reserve the balance of my time.

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

Mr. Speaker, we have some speakers on our side who have some time constraints, and I don't want to utilize a lot of time on my statement right now, so I just want to make a few opening comments, if I may.

First of all, it seems like only days ago that we were here doing the House version of this bill, and the reason for that is we were here only days ago doing the House version of this bill. The speed with which this legislation has passed through both bodies, while not suggesting that it was done in haste, this is a well-crafted proposal, but rather suggests the importance of this acquisition reform initiative, recognizes, as well, the unanimity of feeling amongst all the Members of both the House and the Senate as to the task before us. And I think it's a tribute as well to the President, who called some of us down to the White House and told us that he fully supported this initiative and urged us to work as expeditiously as we could. Today's bill is a result of that effort, and I certainly want to start by thanking my dear friend, my partner, and my chairman, IKE SKELTON, the gentleman from Missouri, for providing his leadership that brought the House and, particularly, the House Armed Services Committee, into this very, very important discussion that has developed this very, very important piece of legislation.

As my distinguished chair said, we owe our thanks to many, and I want to give a special tip of the hat to as well, my friend, the gentleman from New Jersey (Mr. ANDREWS), my partner, our representative on the special panel, MIKE CONAWAY, the gentleman from Texas, and all of the special panel's members who really did an outstanding job in meeting with the department representatives and discussing the initiatives with representatives of industry and Members of both Houses of the legislature, and brought this important bill before us. It is a critical measure and it really is a best-of-all-worlds proposal. It portends the opportunity to save literally hundreds and hundreds of millions of taxpayer dollars, dollars that now probably go to expenses and to costs that should and could be avoided and, as well, ensures that every tax dollar we do spend goes appropriately to providing the best weapons systems we can to keep those brave men and women in uniform safe, who do such an amazing job with us.

I join my chairman, Mr. SKELTON, in urging all Members to soundly and enthusiastically, and with great pride, support this conference report. And we look forward to its carrying to the White House and its signature in the very near future.

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

Mr. SKELTON. Mr. Speaker, may I mention first that we did not rush to judgment on this issue. The gentleman from New York, my friend, the ranking member, JOHN MCHUGH, and I thought it best to establish a panel on military acquisition, which we did. And as a result of briefings and hearings headed by ROB ANDREWS, MIKE CONAWAY, the faith that Mr. MCHUGH and I had in the panel has been justified with the first work product of their efforts. That work product, of course, is the bill that stands before us today. And it has been a great bipartisan effort. It is also a monument to the outstanding staff work that we have across the board in the Armed Services Committee. We could not be more blessed.

With that, I yield 10 minutes to my friend and colleague, the chairman of the Armed Service Committee Special Oversight Panel on Defense Acquisition Reform, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, it's my honor to rise in support of this legislation, and to thank the many people who made this possible, beginning, Mr. Speaker, with the chairman's friendship and mentorship and leadership. Mr. SKELTON is a gifted consensus builder and a great role model for many Members of this House, myself included. I thank him from the bottom of my heart for this opportunity.

To my very dear friend, Mr. MCHUGH, whose expertise is matched by his good spiritedness and a sense of inclusiveness. The way that these two gentlemen work together, Mr. Speaker, is a model for how we ought to serve the public's problems, and I'm very grateful to serve with each of them.

I want to thank my friend, MIKE CONAWAY, from Texas, who is the ranking member of the special panel, who gave this effort a great deal of attention and diligence. And he and I, Mr. Speaker, know that our job is only about one-fifth done, and we look forward to proceeding in the weeks and months ahead.

We want to extend our appreciation to each of the members of the special panel, Republican and Democrat, who came to the meetings, expressed their views. Each of them had a hand in shaping this legislation. Many of them offered amendments at the full committee markup that found its way into the legislation.

As the chairman said, those of us who are elected have the privilege of standing out front in these efforts, but the truth of the matter is that the most diligent and skillful work is done by the staffs that serve us with such distinction. And I do want to join the chairman's comments and specifically thank Erin Conaton, who's the leader of the staff on the majority side. She has built a tremendous team and is a great resource to Members of this House.

Paul Oostburg, who is an able counsel in every respect, guides us through the legal thicket. Andrew Hunter did a tremendous job on this. He was always available, always a great resource, a person of just great, great diligence.

His counterpart on the minority side, Jenness Simler, we thank her for her equally effective and cheerful and resourceful efforts.

And I especially want to thank from my office staff, Nat Bell, who gave this around-the-clock attention, mastered the details in a very short period of time, and did just a terrific job.

Mr. Speaker, when the American people hear that nearly $300 billion has been run up in cost overruns on major weapons systems, they're justifiably outraged. When we're paying $300 billion more than we should be for major weapons systems, they understand that we're not doing right by the people who wear the uniform, and we're not doing right by them.

As the chairman said, to understand the magnitude of this problem, if we had not squandered that $300 billion in cost overruns we would have had enough to pay the salaries of the troops, the health benefits of the troops and their families, for more than 2 years. That's how much money that is, and it was squandered.

So, as a result of this effort, with the able leadership of Senators LEVIN and MCCAIN on the other side, we are going to present to the President today, by this vote, a solution to that problem. And here is the essence of that solution. When the public asks how do we really know how much these programs are going to cost, how effective they are, and when they're going to be done, for the first time, those questions will be answered by independent, qualified, accountable officials in the Department of Defense. Independent and accountable to the President, to the Congress and to the general public.

When people ask, you know, we've got a weapons system that doesn't appear to be working out very well in the early going. Its promise exceeded the early signs of its performance. For the first time, in that early stage, the weapons system will have to meet a rigid and severe burden before it can go on. And if the best judgment of the independent experts is it shouldn't go on, it won't, and we will not throw good money after bad.

When people ask the question, a weapons system has far exceeded its projected cost and it's taking far longer than it should, why should it continue to go on, for the first time, this legislation will say, well, it shouldn't. And if there's a different decision made, if there's an exception given to this weapons system so it can go on, the weapons system will be watched like a hawk, every day, every dollar, every step of the way, to make sure that if a weapons system is not terminated after poor performance, that it gets right, gets right in a hurry and stays right.

And finally, when people ask the question, whose interests are really being served in this process, are the decisionmakers really looking out for those who serve in the military of this country and use the systems? Are the interests of the taxpayers being looked after, or are there other interests at work? This legislation institutionalizes the rule that I think most of our decisionmakers in the Department of Defense have lived by as a matter of personal ethics; but it spreads that personal ethic into the law, and says, when you make decisions about protecting those who wear our uniform and spending our taxpayers money, you may serve only one master. Conflicts of interest will be rigidly monitored and prohibited as a result of this legislation.

Our work is just beginning. By passing this legislation, we are putting in place a series of safeguards and checks so we can understand if it looks like a system has been overpromised and underperforming. It is our responsibility, once this system is in place, to learn from its lessons so that we can give those who wear the uniform of this country the best that they deserve, and pay for it with the price that the taxpayers deserve, with not a penny wasted.

It has been an honor to serve with my friends and colleagues in this process. We are eager to see this bill become law. We would urge a ''yes'' vote from both Republicans and Democrats.

Mr. MCHUGH. Mr. Speaker, I would note the one Member that had a time constraint, Mr. COFFMAN from Colorado, not just a great and able member of our special panel, but also a veteran of both the United States Army and the United States Marine Corps, did have another appointment that he had to make and, therefore, was not able to stay with us to make his statement personally.

Mr. Speaker, I would like to now yield as much time as he may consume to one of the senior members of the House Armed Services Committee, and a gentleman who also wore the uniform of this Nation, United States Marine Corps, my friend, the gentleman from Minnesota (Mr. KLINE).

□ 1300

Mr. KLINE of Minnesota. Thank you, Mr. Speaker. I thank the gentleman from New York for yielding the time.

It seems sometimes like only yesterday when I was wearing that uniform and was serving in the Pentagon and in the Office of Secretary of Defense and dealing with the acquisition morass, and that's, in fact, what it was.

When you look at the history of how the Pentagon has gone about making these purchases, you see President after President, Secretary of Defense after Secretary of Defense, senior officials, Republicans or Democrats, recognizing that the system was broken. We were wasting money. Cost overruns were the norm. Yet, even recognizing that there was a problem and vowing to fix it, they couldn't do it. Try as they might, panel after panel, effort after effort, hiring different people, firing people, it continued year after year after year, cost overruns, stealing money away from the American people and delaying the delivery of weapons systems that our troops need now in a system that's just not functioning.

I know that I sensed the frustration personally as I was sitting there with them as they struggled with how to fix this. They couldn't do it.

So when I came to Congress, now going on 7 years ago, and I was fortunate and honored to join the House Armed Services Committee, I started raising that question and pointing out to witness after witness that we couldn't seem to fix this system. So I was delighted, absolutely delighted, when the chairman of the committee

and the ranking member, Mr. MCHUGH, as has been discussed, said, You know what we're going to do? We're going to work on this from Congress, and we're going to do it the right way. We're going to take a blank piece of paper and put it down in front of a bipartisan panel, led by my able friend from New Jersey, Mr. ANDREWS, by my friend from Texas, Mr. CONAWAY, by a wonderful panel of people, and by great staff, as has already been mentioned and commended by a number of speakers. They said, Go and see what you can do to fix this problem. Focus in on major acquisitions programs, and go fix it. A blank piece of paper. A bipartisan effort.

As a result of that, we have legislation that is going to be passed—I trust overwhelmingly—because I don't know of anyone, frankly, in this body or in the other who doesn't think this is a great idea and that it needs to be done. We're going to pass this legislation and get it to the President, and we're going to change the law and provide some help to the very able people in the Pentagon who have been wringing their hands and who have been struggling on how to fix this for literally decades.

So this piece of legislation went through rapidly, as has been pointed out, but not in haste. It was put together the right way. The problem was recognized across the board. We had a hearing, which I thought was a tremendous hearing, with a panel of real experts. They agreed that this was the right way to go. I remember asking a question because I thought it was an important one as we look at legislation like this.

I said, Does this do any harm? Absolutely not, was the answer.

This is what we ought to be doing. I'm very proud to support it. I hope all of my colleagues will support it. As has been suggested, I hope this is the model for how this House will work in the future—with a blank piece of paper and with a bipartisan effort to draft legislation that comes out to be good legislation that is good for America.

So, again, I want to thank those who did the work. I want to encourage all of my colleagues to support this legislation.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, my colleague, the distinguished member of the Armed Services Committee, the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

I want to begin by commending and recognizing the hard work done by IKE SKELTON as well as my colleague and friend from New Jersey, Mr. ANDREWS, as well as my colleagues on the other side of the aisle, Mr. MCHUGH, Mr. CONAWAY, and others.

Mr. Speaker, I rise today to urge passage of the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act of 2009, or the WASTE TKO Act.

Again, I want to thank the chairman of the Armed Services Committee, IKE SKELTON, for his outstanding leadership in addressing this critical issue and for bringing this bill to the floor so quickly and with such strong support. I was honored to be a part of the conference committee, and I am happy to see such a strong bipartisan bill come back to the House for final passage.

In today's world, we face a difficult balance between keeping our Nation safe and operating within the fiscal constraints of our current economic climate. The taxpayers truly are demanding that we always be good stewards with their dollars. We can all understand the outrage of the American people when they hear about billions and billions of dollars in cost overruns in weapons acquisitions programs, and we can understand their demand for change, and that's what this bill truly brings, accountability and change to our weapons acquisitions process.

The WASTE TKO Act is part of a broader effort by the administration to tackle cost growth through ensuring accurate performance assessments, providing intensive care to ''sick'' programs and fighting cost growth in the early stages of development. Along with our efforts in the Congress, the Defense Department plans to add 20,000 personnel over the next 5 years to help implement reforms in government contracting. This dual effort is a positive sign of change that will ultimately help keep our Nation safer and more agile in its warfighting efforts.

Specifically, this bill will bring oversight to the muddled process of performance assessments by requiring the Secretary of Defense to designate a principal official to provide unbiased evaluations on the success of our acquisitions programs. The bill will also mandate additional reviews for programs that fail to meet development requirements or that have extreme cost growth problems.

Now, when cost overruns and schedule delays continue to haunt a program, it threatens the ability to provide our men and women in uniform with the best equipment possible to protect our Nation. This bill goes a long way towards increasing effective congressional oversight, and it will help us to continue to be responsible stewards of U.S. taxpayer dollars.

I urge my colleagues to join me in supporting this legislation. A lot of hard work went into crafting this strong bipartisan measure.

Again, I want to thank Chairman SKELTON, Ranking Member MCHUGH, Mr. ANDREWS, Mr. CONAWAY, and all of the members of the team who were part of this effort. I'm proud to support this important piece of legislation.

Mr. MCHUGH. Mr. Speaker, when we try to find the right people for the right job, be it in the private sector—and it works this way in Congress as well—sometimes they're unavailable. The best people are always the busiest people.

I think one of the critical challenges and primary challenges that both the chairman and I had was in making sure that the heads of the special panel were two individuals who had the power, the intellect, the understanding from the real world of life experiences, and a recognition as to the importance of the challenge.

We are very blessed, certainly, with the agreement of Mr. ANDREWS to head and chair the subcommittee panel. As well on our side, the first person I thought of was MIKE CONAWAY. MIKE does have those qualifications of intellect, of the ability to relate to concepts and to real applications. As well, he has brought to this effort his service as an NCO in the United States Army.

It is my privilege and my honor and with a great deal of thanks to yield as much time as he may consume to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I want to thank Ranking Member MCHUGH for those very kind words. It kind of caught me off guard. Thank you. I appreciate that.

I rise today to urge the swift passage of the conference report on S. 454, the Weapon System Acquisition Reform Act of 2009. This conference report represents thoughtful compromises that will enable the Department of Defense to better plan for the future and to acquire the combat systems that it needs to make our military as effective as it needs to be at a cost that we can afford.

As always, I would like to thank the leadership of the Armed Services Committee for their commitment to the men and women of our Armed Forces. Chairman SKELTON and Ranking Member MCHUGH lead our committee with purpose and with poise, and they never forget that our first responsibility is to protect our soldiers, sailors, marines, and airmen who are serving our Nation around the globe.

I also want to thank the chairman on the House Defense Acquisition Reform Panel, Chairman ROB ANDREWS from New Jersey. It has been my privilege to partner with him as we work to bring these needed reforms to the Defense Department in how it spends our limited resources.

While all the thanking of the members is certainly appropriate, I don't think you can overstate the work that our staffs do on behalf of the acquisitions panel. I want to thank Andrew Hunter on the majority's staff and Jenness Simler on our side for the great work that they've done. I also want to thank, on my personal staff, Tony Ciancielo, who is an Air National Guard fellow in my office for a year, and he is doing outstanding work on behalf of this country.

As a member of the acquisitions panel, I've spent the last few months immersed in the details of the weapons system and in the weapons acquisition system. It is nothing if it is not spectacularly complicated. It is clear to me

that the oversight of this process must be a never-ending commitment on the part of Congress. Yet, as the changes we are implementing here today mature, I urge that we remain vigilant but also patient. The number of the cost overruns that has been touted during the discussion of this panel is real, but I worry, as all of us have, that that number is artificially high because of underestimates on the front end of weapons systems decisions.

This legislation, I think, goes a long way toward helping us cure a natural tendency to under-represent costs on the front end in order to get a program or a weapons system started. Then we are saddled with that decision when we come on to the real costs and to the realization that the real expense of a particular system turns out to be greater than what we estimated on the front end because of a tendency to be optimistic as to time frames as well as to expenditures on those front ends. So this legislation goes a long way toward fixing that.

I also want to add a word of caution, and that is that we allow these changes to mature somewhat before we begin to tinker with them again. We've got great acquisition people staffing the system from top to bottom. As Mr. LANGEVIN mentioned, there is going to be a 20,000 increase in those competent professionals as we go forward. We need to let them work with the system long enough so that we can, in effect, evaluate whether or not these new changes work and if they do the things we want them to do. So it will be an ever-changing system, but we in Congress here look for the results. So be a little bit patient as we change the systems acquisition process again.

That leaves us then with the bulk of the spending that's done, which is on services. My colleague and chairman of our acquisitions panel will continue to push forward on the review for how the DOD acquires services. It is a very mundane, everyday deal, but as to the scope and the reach of DOD, just think about how they all have cell phones and the decisions that are made across the thousands and thousands and thousands of installations across this world that need cell phone coverage. Somebody somewhere has got to decide on that contract. That's our next work, and it's going to be as difficult and daunting, I think, to understand that system and to see where it's working correctly, to see where we can help change it for the better and to see those places where it isn't working correctly.

I've got great confidence in my chairman on the subcommittee, on the panel. Collectively, we're working in a bipartisan approach as we've done so far. I agree with the other speakers that this is a great example of how this House, this body, can in fact work on issues that don't require us to wear a jersey that has got a particular color on it when we go about the decisions of trying to defend this country and put weapons in the hands of young men and women who lay their lives on the line to protect this country. So I'm proud to be a part of this process.

S. 454 will begin the process of fundamentally altering how the Defense Department procures major weapons systems desperately needed by our warfighters. It's important legislation that I am pleased to support today. I urge my colleagues to vote in favor of this conference report.

Mr. MCHUGH. Mr. Speaker, we have no further speakers. So with the majority's permission, I'll just say a few words in closing.

I would be remiss if I did not send my best wishes, appreciation and expression of admiration to our Senate colleagues, particularly Senators LEVIN and MCCAIN, who led the fight on acquisition reform.

As I noted to them in a meeting we had with the President at the White House, they really did help us hear the call to arms on this initiative. As we went forward, they were true and very active and very productive partners in making sure we could reach a conference report that truly does, as the bill before us speaks very clearly toward, embody the best provisions of the House bill and the Senate bill.

□ 1315

Lastly, I want to add my words of deep appreciation to those who, day in and day out, make our committee, and ultimately make every committee, in the House of Representatives work, and that is our invaluable staff people as all of the other speakers have mentioned. I've said in the past, they labor quietly in the shadows and we are able to step out in the sunlight that they provide through their hard work and bask in their glory. And their hand prints and their diligence and terrific effort is in every line of this bill.

So in closing, I would simply say again, congratulations to my friend, the distinguished chair, Mr. SKELTON, and strongly urge all of our Members to step forward and to proudly support this bill. And we can do something important for the war fighters and the taxpayers of this great country.

And I would yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, first, I must thank my friend, my colleague, the gentleman from New York, for his outstanding leadership, cooperation, intelligence and integrity. This bill is a great reflection of bipartisan hard work in our committee. And I thank, in particular, the gentleman from New York (Mr. MCHUGH).

Mr. Speaker, as we are on the brink of passing legislation that will completely reform the acquisition system of involving major weapon systems in the Department of Defense, I think back to the moment we were preparing to pass a bill known as the Goldwater-Nichols bill which dealt with jointness within the military. We knew what it said. We wrote it. But we had no idea that it would actually have a tremendous impact creating the culture of jointness within the various stovepiped services that existed prior to that day in 1986.

This reform act will do the same. It is not only landmark legislation, it is not only reform legislation, it is legislation that will change the culture of acquisition for major weapon systems. It's good. It's thorough. It's well thought out.

And I cannot close without saying a special word about our staff. It's very difficult, Mr. Speaker, to single out people who work so hard because you're bound to leave some out. But we must mention Erin Conaton, Bob Simmons, Andrew Hunter, Jenness Simler, Cathy Garman, Joe Hicken, and all of the efforts that they put forth, the tireless nights in drafting and redrafting the legislation before us today. So a special tribute goes to them.

So with that—and thanks to our colleagues on both sides of the aisle, Bob Andrews, Mike Conaway, and all of those who work so hard for this—let's get it passed, let's get it to the President for his signature, and let reform take place and change the acquisition culture that is so sorely needed.

Mr. COFFMAN of Colorado. Mr. Speaker, I stand before you today to express my strong support for this important piece of legislation. As a member of the House Armed Services Committee, and a member of the Acquisition Reform Panel, I was honored to be appointed to this Conference Committee.

As an active participant on the panel, I appreciate this opportunity to help "fix" an obviously flawed defense acquisition system. My emphasis on the Panel has been how to achieve the best use of taxpayer dollars to provide the right equipment, at the right time for our marines, soldiers, sailors, and airmen.

Maintaining a strong national defense, while maximizing taxpayer dollars, and reining in out of control cost growth in the development of major weapons systems. As a combat veteran, I realize from personal experience just how critical a well-functioning acquisition system is to our nation's servicemembers—especially our warfighters in the field.

We must always fully take the "end user" into account whenever we address the acquisition process and to this end, I was pleased my amendment giving the Combatant Commanders a more defined role and input into the process was included. This legislation institutes a much-needed level of focus and precision regarding the input sought from Combatant Commanders to best inform the Joint Requirements Oversight Council as to whether a new program is truly needed and what its benefit to the warfighter will be. Such precise input aims to prevent the DOD from going down the road of spending billions of dollars on unnecessary programs of no real value to those in the field.

S. 454 addresses acquisition organization, oversight of cost estimation, performance assessment, and weapons acquisition oversight, and fully takes into account the current problems within the Department of Defense Acquisition process.

I urge my colleagues to vote in favor of this well-crafted and critical piece of legislation.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for the Conference Report on the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act (WASTE TKO Act). This legislation will reform how the Department of Defense purchases weapons and help ensure the strong oversight of our defense budget that taxpayers deserve.

In recent years, the Defense Department's spending plans have been unrealistic and unsustainable. Much of the growth in our defense budget has been driven by weapons programs that cost too much and take too long to develop. According to a Government Accountability Office study released this year, cost overruns from ninety-six Department of Defense weapons programs have totaled $296 billion. These same programs were, on average, 21 months behind schedule. President Obama has said that procurement reform could save taxpayers as much as $40 billion each year.

Our current approach asks, ''how much money can we get for the weapon?'' But we ought to ask, ''how much weapon can we get for the money?'' Every dollar that we spend on an over-budget weapons system is a dollar that cannot be used to support the urgent needs of our servicemembers and their families. Cost overruns alone would pay the salaries for our active-duty military and health care for them and their families for two and a half years.

The WASTE TKO Act will address deep-seated and systemic problems in how we procure weapons. This bill will require the Department of Defense to provide more realistic estimates of how much weapons will cost and punish those programs which are failing to meet schedule and cost goals. This legislation will demand additional focus during the early stages of weapons development, when small program changes can have major long-term consequences. When it comes to defense procurement, an ounce of oversight is worth a pound of cure.

I applaud Chairman IKE SKELTON, Ranking Member JOHN MCHUGH, and the Members of the Armed Services Committee's Defense Acquisition Reform Panel for their work to develop this legislation.

As a member of the House Budget Committee and the Armed Services Committee, I am committed to providing for a strong national defense that gives our women and men in uniform the tools they need to do their jobs, while delivering strong oversight of the defense budget that reins in out-of-control spending on major weapons systems. I urge my colleagues to join with me in supporting a strong national defense and accountability of taxpayer dollars by voting yes on the WASTE TKO Act.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 1676.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 286]

YEAS—411

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
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
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
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
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
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
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, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
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 (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—22

Aderholt
Bachmann
Barrett (SC)
Bishop (UT)
Deal (GA)
Doyle
Driehaus
Flake
Grijalva
Herger
Kaptur
Lummis
Markey (CO)
Murphy, Tim
Price (GA)
Rooney
Sánchez, Linda T.
Speier
Stark
Thompson (PA)
Wilson (OH)
Young (AK)

□ 1345

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MARKEY of Colorado. Mr. Speaker, had I been present for the vote on S. 454, I would have voted in favor of the bill. As my daughter and son are graduating from college and high school respectively, I am unable to be present for the vote.

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 286 I was unavoidably detained. Had I been present, I would have voted ''yea.''

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1676, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1676, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 11, not voting 25, as follows:

[Roll No. 287]

YEAS—397

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

NAYS—11

Blackburn	Halvorson	Paul
Broun (GA)	Kingston	Rohrabacher
Campbell	Marchant	Westmoreland
Ellsworth	McClintock	

NOT VOTING—25

Bachmann	Hare	Sánchez, Linda T.
Barrett (SC)	Hensarling	Speier
Boehner	Hill	Stark
Bright	Kaptur	Thompson (PA)
Deal (GA)	Markey (CO)	Whitfield
Doyle	Murphy, Tim	Wilson (OH)
Driehaus	Obey	Woolsey
Flake	Rodriguez	
Gutierrez	Rooney	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRIGHT. Mr. Speaker, on rollcall No. 287, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ROONEY. Mr. Speaker, had I been present I would have voted on rollcall No. 284—"nay"; 285—"nay"; 286—"yea"; 287—"yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1346

Mr. GERLACH. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 1346. My name was added in error.

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

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 915 and include extraneous material in the RECORD.

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

There was no objection.

FAA REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 464 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 915.

□ 1354

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself as much time as I may consume.

We bring to the House, once again, to the Committee of the Whole, the authorization for FAA for the next 4 years. We're getting very good at this. We did it 2 years ago. It passed the House overwhelmingly. Unfortunately, the other body did not act on it. So we held further hearings and reshaped the bill. Essentially we have 95 percent of what we had in 2007 in this bill. It was worked out then in cooperation with the Republican members of the committee and with the ranking Republican, Mr. MICA, and again this year with Mr. MICA, Mr. PETRI and the Aviation Subcommittee under the extraordinarily gifted leadership of Mr.

COSTELLO, who held numerous hearings to air the various aspects of this bill and other aviation issues.

So that we bring a bill for which there is broad bipartisan support except perhaps for four areas in which there are differences and on which my good friend, Mr. MICA, will elaborate in his own good time. We bring a bill of $70 billion investment in aviation over the next 4 years; $16.2 billion for the Airport Improvement Program to build runways, taxiways, air traffic on the aviation hard side, as I call it, of airports; $13.4 billion for facilities and equipment account over 4 years. That's for the continuing modernization of the air traffic control system. Air traffic control is not a snapshot in time. It's a continuously evolving technology that keeps pace with the growth of aviation and with the need for greater safety at altitude, on approach, on departure, on the ground, in the airport runway safety areas. We provide substantial funding not only for the present but for the future investment and modernization of the air traffic control system going on to the next-generation technology that will be satellite-based. Higher reliability, greater accuracy, shorten the flight time, shorten fuel burned in the air and vastly improve safety.

On the capacity side, we provide authority for airport authorities, at their choice, at their decision, to increase the passenger facility charge that was initiated in 1990, at the time when I chaired the Aviation Subcommittee and the first Bush administration, with then-Secretary Sam Skinner advocating for this increase and this authority for airports, to increase this charge on the grounds that they are accountable directly to the people who use their airports. It is a local decision, and we're allowing them to do it. It's not required. Airport authorities can impose or not impose a passenger facility charge. But it's used for all the authority airports are granted under the Airport Improvement Program, to expand capacity, improve the terminals, improve movement of passengers on the airport grounds to and from their parking area, from the drop-off area onto the aircraft itself.

□ 1400

It has been a very well-used and useful tool.

As part of the increase or the authority to use passenger facility charges in 1990 and with concurrence of the administration, we require that every airport that imposes a PFC will lose 50 cents on each dollar of their AIP entitlement account, and that goes into a special account in the Aviation Trust Fund for the use of small airports that don't have the capacity to level a passenger facility charge. That has resulted in some $800 million a year available for general aviation airports, regional airports, and smaller nonhub airports, and has enabled them to participate in the Nation's aviation system.

There is a provision in this bill that we had in the 2007 bill that requires the Federal Aviation Administration to negotiate a new contract with its air traffic controllers. And if they do not reach an agreement 45 days after enactment, the issue will be sent to binding arbitration. The Republican administration objected to that provision. The ranking Republican on our committee, Mr. MICA, stoutly defended his administration's position, and his own view, that we should not have binding arbitration apply to this circumstance. I think it is fair to say he would accept that going forward.

Well, the bill never made its way through the Senate of 2007 or 2008. And we are an equal opportunity committee. So what we didn't trust the previous administration to do, we don't trust this administration to do. And we are keeping that language in this bill to keep the heat on them to negotiate this contract, renegotiate in due fairness to the air traffic controllers.

Then there is the matter of the foreign repair stations. There are 145 foreign repair stations certificated by the U.S. FAA in other countries where U.S. aircraft are maintained, supposedly to U.S. standards, to the standards of the airline as approved by FAA and to standards that we set for certification of aircraft maintenance personnel and certification of the facility in which the maintenance work is performed.

Over time, questions have arisen about the adequacy of standards in other countries. This legislation takes those concerns and wraps them into this language we have in the bill, saying they must meet our standards for criminal background checks, for drug and alcohol testing, for certification of the facility, and certification of the aircraft maintenance specialists. That is in the interests of every American who flies on an aircraft in our country or outside of our country that is maintained in a non-U.S. maintenance facility. And in the time since we passed that bill in 2007, the U.S. and the EU have negotiated an aviation agreement that moves toward harmonization of the aviation maintenance standards of our two countries.

That agreement provides, in Article 15, ''nothing in this agreement shall be construed to limit the authority of a party to (A) determine through its legislative, regulatory and administrative procedures the level of protection it considers appropriate for civil aviation safety and environmental testing and approvals, and (B) take all appropriate and immediate measures necessary to eliminate or minimize any derogation of safety.'' That is what we are doing, simply put, in this legislation using our legislative authority, require twice-a-year onsite inspections of facilities in which U.S. aircraft are maintained in facilities overseas.

If the Europeans want reciprocity under this agreement, they have that authority. They can inspect U.S. maintenance facilities which are doing work on foreign aircraft, European aircraft, in the United States. Basically, that is what it is. It is comity, fairness, equity, and safety in the best interests of our citizens.

There may be other issues. But I will reserve my time. And Mr. COSTELLO will address more details of this legislation subsequently.

Mr. Chairman, I submit for the RECORD an exchange of letters on this particular piece of legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 7, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I appreciate your willingness to waive rights to further consideration of H.R. 915, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 7, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 915, the FAA Reauthorization Act of 2009. This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

H.R. 915 was marked up by the Committee on Transportation and Infrastructure on March 5, 2009. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 915.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 915 and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on the Judiciary I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in RR 915.

This exchange of letters will be placed in the Committee Report on H.R. 915 and inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, May 14, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: As you know, the Judiciary Committee requested referral of H.R. 915, the FAA Authorization Act of 2009, due in part to the addition in markup of the text of H.R. 831, which directs a study on the use of a provision in current law to confer antitrust immunity on international airline alliances, and sunsets all such antitrust immunity in three years—on which the Judiciary Committee had received a referral as falling within our Rule X jurisdiction.

We understand that, although the report, for H.R. 915 has not yet been filed, there is a desire to bring this bill to the floor for consideration next week. While we have concerns about how the antitrust provision is written, from the standpoint of sound antitrust policy, and we would prefer to take referral to give appropriate consideration to that provision and other matters within our jurisdiction, we are willing to waive referral in order that the bill may proceed to the House floor.

The Judiciary Committee takes this action with our mutual understanding that by forgoing further consideration of H.R. 915 at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. We appreciate your continued willingness to consult with us on these provisions, and on any refinements or clarifications to them, as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, May 18, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009''.

I agree that provisions in H.R. 915 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 915.

This exchange of letters will be inserted in the Committee Report on H.R. 915 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 19, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn Bldg., House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 915, the ''FAA Reauthorization Act of 2009.''

H.R. 915 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 915 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

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

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Thank you again for the opportunity to rise today and speak about a very important piece of legislation, and that is reauthorization of our Federal Aviation Administration operations.

Americans take for granted sometimes the ability to have the best, the largest, and the most accessible air transportation system in the world. But it is our job in Congress to make certain that that system is safe and that we also pass laws from time to time authorizing the policy, the projects, the funding, and other safety measures that are important for that system.

I want to speak in favor of enacting good reauthorization. At the end of the day, I will not vote in support of this particular measure because I do have some concerns that I will briefly outline.

First, let me say that I have enjoyed my working relationship with Mr. OBERSTAR. He chairs the committee, and I try to work with him in a bipartisan manner to make certain that our key responsibilities, like this important safety air industry legislation, passes Congress, and I will continue to do that.

I do have some concerns about some specifics. The bill does have some very good provisions. And Mr. OBERSTAR, Mr. COSTELLO, and Mr. PETRI, our ranking member, have all worked hard to do the best they can in looking out for our current system, making certain that it is sound, making certain that there is funding in place and making certain that we have what we call ''NextGen,'' next generational air traffic control, in the system for the future, and that bill does take us a long way towards those positive efforts.

Unfortunately, there are a couple of provisions that we haven't reached agreement on. And I have been married 37 years. Almost every other day my wife and I have a disagreement on something. So it is not a big deal to have disagreement. Hopefully we can work some of these problems out.

What concerns me are, first of all, the labor provisions that were included in this bill. Now, as we know, we had a difficult situation with the air traffic controllers' contract. It expired. It was being negotiated. They couldn't reach an agreement some years ago. They sent it to Congress. We don't want it in Congress. It caused a great deal of conflict and problems. We shouldn't be the arbiters of these labor negotiations. And I will say that President Obama has stepped forward. He has set in motion a mechanism to resolve this pending impasse. I support his efforts.

By I believe June 5, if we don't reach negotiations, this issue will go to binding arbitration. I support binding arbitration. I support taking this out of the realm of Congress. But I think it was wrong to include that provision here when we are in the middle of negotiations that our new President is trying to get going and get this issue behind us and resolve. So this sets a horrible precedent for Congress to be dictating here, at this point, with this new President, these terms which do have a $1 billion-plus price tag and do set a standard of unfairness. Not only are there 15,000 air traffic controllers who should be treated fairly, but then we have 20,000 other FAA employees who should be treated fairly and hundreds of thousands of hard-working Federal employees who should be treated fairly, not Congress dictating a special level of compensation or some deal for a smaller group. So this does have consequences. And I'm disappointed that

that remains. I'm supportive of taking this away from Congress in the future and sending it to compulsory arbitration.

Unfortunately, there are two job killers in this bill. At a time when there isn't a Member of Congress that isn't getting a heartfelt request that someone is losing their job, they are losing their home, or they are not able to live the American Dream, unfortunately, this bill has two job-killer provisions.

First is a very controversial, and I know that Mr. OBERSTAR tried to explain this in his particular provision that he has put in here, requirement that the FAA make biennial inspections of all foreign repair stations. It sounds good. The only problem is that we already have existing agreements in place that that provision would supersede. We are negotiating now a treaty which also, the provisions the way they are written, would impose sanctions on us and cost us jobs.

Now, that is not what JOHN MICA is saying. The U.S. Chamber of Commerce says that, as written, the bill jeopardizes 129,000 jobs. And we will put that in the RECORD a little bit later.

The National Association of Manufacturers, not JOHN MICA, says retaliation threat from the EU is real and we must work together to maintain our working partnerships and preserve jobs. Again, they say it is a job killer.

Then I have a whole list of companies. They are in everybody's district, I could go on and on, Rockwell Collins, Boeing, Gulfstream, GE. Here is just one. GE sent a letter to Mr. OBERSTAR and me regarding how much this will cost in each of these stations. Now I don't mind spending money for safety. I don't mind imposing regulations or laws for safety. But this is a step backward, and it is a step away from what we should be doing, rather than saying on every Tuesday in the sixth month that we should be in Amsterdam inspecting, or we should be in London inspecting, or we should be in Ireland inspecting, or in Berlin inspecting, as this bill requires, twice-year annual inspections even to countries that we have already got agreements that we would have the same high standards and some of the countries have even higher standards imposed, their own higher than the U.S.

So we take our limited resources and we do these mandated inspections whether or not we need them. And our whole system in this country we changed some years ago for our large aircraft was to get away from that. We are risk based, and that is why we are the safest aviation industry in the United States. Yes, we have problems with commuters. And we should be using some of our resources to enhance the training, the requirements, and the inspections of the commuters where we are having crashes. We can't let up in any area. But we are diverting resources by this and going back to a system that did not work.

So not only does this I think impair safety, it also is a job killer.

The second and last thing that I am concerned about is 95 percent of this bill, we said in the Rules Committee, is pretty much the same bill we had last time. Added to this bill, and again I don't know why, is a provision that would sunset airline antitrust immunity. Unfortunately, this bill, and it is not what MICA says again, here is the Air Transport Association. This bill could cost as many as 15,000 airline jobs. Again, this is what is said by those who are in the industry. And this is a second job killer provision. This was not in the original bill. It has been added here.

And more troubling is that this provision would also automatically invalidate all antitrust immunity grants to airline alliances 3 years after the enactment of this bill. It is not necessary. It shouldn't have been added in this bill.

There are several other provisions that are controversial. We can work through this, and we need to work through this. This is the longest period that I can remember in the history of my service, and maybe Congress, that we have not had an FAA reauthorization. Hopefully we will also have in the next few days the President's designee for FAA Administrator. We haven't had one there. The other side of the Congress has not acted the way it should in promptly confirming an FAA Administrator. We all know how difficult it is when we have an Administrator in an agency to deal with him, and when you have no one in place for a long time we see some of the unfortunate results.

□ 1415

Those are some of my concerns and, again, I pledge to work with Mr. OBERSTAR, Mr. COSTELLO and others, and Mr. PETRI, our ranking member. We're all committed to work. They all do a great job. We all have the interests and safety of the American public at heart.

I reserve the balance of my time.

Mr. OBERSTAR. I yield myself 1 minute.

I thank the gentleman for his comments and, again, it's been a great pleasure working through this legislation over the past 2 years, trying to bring a bill through the House and to conference and to conclusion, and I want to commend Mr. MICA, our ranking member, for participating in various discussions that we had and negotiations with the Secretary of Transportation, the representative from the Office of Management and Budget, the air traffic controllers, and members of our committee, Mr. COSTELLO in particular, several such negotiations with the previous administration that unfortunately resulted in no agreement. And the gentleman really made a serious effort, and I greatly respect and appreciate his participation, but I just want to point out, Mr. Chairman, to the gentleman that the language we have on the arbitration is not unique.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself another 1 minute. Several times, over many years, this committee and its predecessor committee with authority over railroad issues has approved and the House has voted on Presidential Emergency Board to settle railroad labor disputes.

And in 1989, we moved legislation to establish an arbitration process to resolve the management labor dispute involving Eastern Airlines. Mr. Gingrich was the ranking member on the Aviation Subcommittee, and he voted in favor of it. Unfortunately, even though it passed the Senate, President Bush, the First, vetoed it. We are simply acting on precedent that has been the case in the House to attempt to resolve matters of this kind.

I yield such time as he may consume to the distinguished chair of the subcommittee, Mr. COSTELLO.

Mr. COSTELLO. Mr. Chairman, I thank Chairman OBERSTAR for recognizing me and thank you for all of your leadership and your support. No one knows more about aviation or transportation issues in this country than Chairman OBERSTAR, and I think everyone acknowledges that and respects not only his valuable input but the work that he does for this committee and on behalf of the American people.

To Mr. MICA and Mr. PETRI, as Mr. MICA has indicated, we have worked closely together on this legislation. As Chairman OBERSTAR stated, about 95 percent of what is in this bill was contained in the bill when the House passed it in September of 2007 by a vote of 267 Members passing the legislation. It truly was a bipartisan piece of legislation.

The bill provides increased funding levels, as Chairman OBERSTAR indicated, for the Airport Improvement Program, for the facilities and equipment program, and for the FAA operations. The funds will help improve our airports, upgrade our facilities, and modernize our air traffic control system.

In addition, we provide a consumer protection provision in this bill that forces airports and airlines to come up with an emergency contingency plan, and we install a consumer hotline for consumers to call the FAA for any complaints that they may have and any violations of the emergency contingency plans filed by the airports and airlines. For any violations, there are civil penalties.

It does establish a process to settle a labor dispute between the FAA and the controllers, and it takes steps to move us forward in upgrading our ground-based radar system to the next generation ATC.

The United States, I think we have to continue to point out, has the safest aviation system in the world; but in order to maintain that system and improve it, we need to pass this reauthorization bill. Let me make just a few comments regarding a few items that Mr. MICA mentioned.

Number one, the NATCA issue with the air traffic controllers. There is a process that is moving forward now with this administration. We hope that negotiations are successful, and we hope that there is a voluntary agreement. However, this bill does not contain provisions dealing with compensation. Congress is not dictating to either the administration or to anyone what wages should be, nor do we address that in our bill at all. It has everything to do with the process, and nothing to do with salaries and benefits.

Number two, it deals with in fact two fundamental principles: the rights of workers and the right to collectively bargain. So if, in fact, you believe in collective bargaining, you will support the provisions in this bill, as we did through committee and we did in 2007.

Secondly, as far as two issues concerning the foreign repair stations, I think Chairman OBERSTAR addressed that issue, but let me just comment that I probably have more workers in my district that work in repair stations, domestic repair stations, than any other district in the country. If I thought for a moment that this was a job killer, the fact that we insist that we have two inspections per year, on ground, in person, inspections on foreign repair stations, if I thought that would jeopardize the jobs that I have in my district or any place in this country, I certainly would not be supporting the provision in the bill. It is not a job killer. We have the right in the Congress and this legislative body under the agreements that we have with the European Union and others to move forward and insist that we have inspections of these foreign repair stations so that we can protect the American people. It is a safety issue.

And with that, let me just conclude by saying this is a good bill. We are 2 years behind in passing this legislation. We appreciate the support and the bipartisan relationship in working together on this bill. We look forward to passing this bill today and then working with our colleagues in the other body to get an agreement so we can get a bill on the President's desk.

Mr. Chair, today is an important day for the future of our aviation system. We are considering H.R. 915, the ''FAA Reauthorization Act of 2009''. This comprehensive bill would provide approximately $70 billion to modernize our air traffic control system, fund airport development, research programs, small community service and Federal Aviation Administration, FAA, operating expenses. H.R. 915 was produced after many hearings, in-depth analysis, and a continued dialogue with the FAA, our colleagues, and stakeholders.

Mr. Chair, this legislation is now almost two years behind schedule. In September 2007, the House approved a similar bill with a few additions, H.R. 2881, by a vote of 267 to 151. However, the reauthorization process has been bogged down because of inaction by the other body. Since that time we have been acting under short-term funding extensions and continuing resolutions that are delaying key Next Generation Air Transportation System, NextGen, and airport capital development projects.

Although there are a few contentious issues that have marked this reauthorization process, virtually the entire aviation community—airlines, airports, general aviation, state aviation officials—have communicated to us in a unified voice the need to get a multi-year reauthorization bill done as soon as possible.

The FAA forecasts that the airlines are expected to carry more than 1 billion passengers in 2021, up from almost 760 million in 2008. To deal with this growth, strengthen our economy, and create jobs, the FAA Reauthorization Act of 2009 provides historic funding levels for FAA's capital programs. This includes $16.2 billion for the Airport Improvement Program, nearly $13.4 billion for FAA Facilities & Equipment, and $1 billion for Research, Engineering, and Development. The bill also provides $39.3 billion for FAA Operations over the next four years.

These funding levels will accelerate the implementation of NextGen, enable the FAA to replace and repair existing facilities and equipment, improve airport development, and provide for the implementation of high-priority safety-related systems.

H.R. 915 also changes the organizational structure of the FAA's Joint Planning and Development Office, JPDO, the body charged with planning NextGen. To increase the authority and visibility of the JPDO, H.R. 915 elevates the Director of the JPDO to the status of Associate Administrator for NextGen within the FAA, to be appointed by, and reporting directly to, the FAA Administrator. To increase accountability and coordination of NextGen planning and implementation, H.R. 915 requires the JPDO to develop a work plan that details, on a year-by-year basis, specific NextGen-related deliverables and milestones required by the FAA and its partner agencies.

Like the 2007 bill, we increase the passenger facility charge cap from $4.50 to $7.00 to help airports that choose to participate in the PFC program meet their capital needs. According to the FAA, if every airport currently collecting a $4.00 or $4.50 PFC raised its PFC to $7.00, it would generate approximately $1.3 billion in additional revenue for airport development each year which strengthens our economy and creates additional jobs at a time when both are critically needed. H.R. 915 provides significant increases in AIP funding for smaller airports that rely on AIP for capital financing. The ability to raise the PFC and the increase in AIP funding provides financing for airport capital development that will help reduce delays.

The bill also dramatically increases funding for and improves the Essential Air Service program and reauthorizes the Small Community Air Service Development program through 2012.

To prevent another ''meltdown'' of the aviation system like what we saw during the summer of 2007, when the system was fraught with congestion, delays and poor customer service, H.R. 915 mandates that air carriers and airports create emergency contingency plans that are approved and enforced by the Department of Transportation, DOT. This legislation also requires the DOT to publicize and maintain a hotline for consumer complaints; expand consumer complaints investigated; require air carriers to report diverted and canceled flight information monthly; and create an Aviation Consumer Protection Advisory Committee. H.R. 915 also requires DOT to conduct schedule reduction meetings if aircraft operations exceed hourly capacity and are adversely affecting national or regional airspace. Finally, H.R. 915 also provides civil penalties for violations.

Here at home and across the globe, more is being done to reduce energy consumption and emissions. The aviation community continues to be a leader in greening its operations. We further those efforts by establishing the CLEEN Engine and Airframe Technology Partnership and the Green Towers Program, which was modeled after what is currently being done at O'Hare International Airport.

The United States has the safest air transportation system in the world; however, we must not become complacent about our past success. To keep proper oversight on safety at FAA, H.R. 915 directs the FAA to increase the number of aviation safety inspectors, initiates studies on fatigue, and requires the FAA to inspect part 145 certified foreign repair stations at least twice a year. We also provide $46 million over four years for runway incursion reduction programs; $325 million over four years for runway status lights; and require the FAA to submit a strategic runway safety plan to Congress.

Combined with the tax title from Ways & Means, H.R. 915 does not impose new fees on airspace users. This concept has generated tremendous controversy and, frankly, has helped to seriously delay the reauthorization process. Instead, H.R. 915 would adjust the general aviation, GA, jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon, and the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon.

We believe that Airport and Airway Trust Fund revenues, coupled with additional revenue from the recommended GA fuel tax rate increases, and a reasonable General Fund contribution, will be sufficient to provide for the historic capital funding levels required to modernize the air traffic control system.

There are two provisions in the H.R. 915 that I believe are necessary for improving morale at the FAA; providing fair bargaining rights to employees of the FAA and at all express carriers; and helping to maintain safety in our aviation system.

The first provision requires that if the FAA and one of its bargaining units do not reach agreement during contract negotiations, the Federal Mediation and Conciliation Services are used or another agreed to alternative dispute resolution process; this process applies to the ongoing dispute between the National Air Traffic Controllers Association, NATCA, and the FAA. This legislation sends the FAA and NATCA back to the bargaining table where the FAA declared an impasse. It calls for $20 million in backpay and calls for binding arbitration if the FAA and NATCA cannot reach an agreement. These are the same provisions that were in H.R. 2881 that passed the House during the 110th Congress.

I have spent many hours trying to bring both sides together to work out their differences. Chairman OBERSTAR and I have convened countless meetings between the FAA and NATCA in hopes of reaching a voluntary agreement. I know Mr. MICA and Mr. PETRI have also spent time on this issue.

Unfortunately, an agreement could not be reached and that left us with only one clear course of action—binding arbitration.

I strongly believe in collective bargaining and bargaining in good faith with a fair dispute resolution process for both sides. Unfortunately, that did not happen in 2006 and we corrected that wrong in the T&I Committee by adopting the Costello amendment with a strong bipartisan vote of 53–16. This amendment is included in H.R. 915 and will ensure fair treatment of FAA employees.

I am pleased Transportation Secretary Ray LaHood has appointed former Federal Aviation Administrator Jane Garvey to oversee a team of mediators to immediately address the contract dispute between the Federal Aviation Administration and National Air Traffic Controllers Association. President Obama has shown great leadership that will guide a positive way forward in which aviation safety professionals will be included as valued stakeholders.

The second provision provides consistency in collective bargaining rights throughout the express carrier industry by allowing ground handling and trucking workers to organize under the National Labor Relations Act, which allows for organization at the local level. Those workers who are directly involved with the aircraft operation portion of those companies, like pilots and mechanics, would continue to be under the jurisdiction of the Railway Labor Act. This is consistent with how UPS is structured today and is identical to the provision in H.R. 2881.

With that Mr. Chair, I again want to thank you for working with me on this legislation. The bottom line is we need to get the FAA reauthorized and we need to do it now.

I urge my colleagues to support the bill.

Mr. MICA. Mr. Chairman, I yield myself 1 minute, and then I yield 5 minutes to our ranking member, Mr. PETRI.

Just for the record, I want to call to the attention of Members—and we will try to get this distributed today—this bill, the way it is written, voids the 2006 contract with the FAA and air traffic controllers, and it reinstates the generous terms and pay raises of the 1998 contract which had about a 70 percent pay increase. Today, at noon the Government Accountability Office released this report on the effects of pay and compensation, particularly for air traffic controllers and FAA employees, and this substantiates what I've said and also substantiates the very generous compensation that was provided under the terms of the 1998 contract. This bill interferes, again, with pending negotiations that the President has started, and we're hoping to resolve this matter.

I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), our distinguished ranking member.

Mr. PETRI. I thank my colleague from Florida, the senior member of the Transportation and Infrastructure Committee, for yielding me this time.

In September of 2007, we passed a bill very similar to the one that we are considering today. Unfortunately, the Senate never acted so we find ourselves once again trying to enact a much-needed authorization bill. In the meantime, the program continues to operate under a series of extensions, the most recent one expiring September 30 this year.

While the current economic downturn has alleviated some of the delays in congestion and complaints of the flying public, we know that once the economy recovers the system will again feel overwhelming strain. So the urgency for this legislation remains.

The American Society of Civil Engineers issues an infrastructure report every so often, and the most recent 2009 report card gives aviation a grade of only a D. This is actually a lower grade than the D-plus earned in the 2005 report card. So the condition of our aviation infrastructure is getting worse here in the United States, not better.

The bill before us increases Federal investment in aviation infrastructure, with funding for the Airport Improvement Program, which provides grants from the Aviation Trust Fund for airport improvements, increased to a total of $16.2 billion over 4 years. The Facilities and Equipment Program is increased to $13.4 billion.

It also increases the cap on the level of passenger facility charges that an airport can impose for capacity and safety projects. The cap was last raised 9 years ago, and the $4.50 maximum charge is now worth far less due to high construction costs and inflation.

One of the most important initiatives under way at the FAA is something known as NextGen to modernize the air traffic control system. We need to move away from a 50-year-old ground-based system to one that is modern, satellite-based, and which will increase the capacity of the system, lower costs, and increase safety. The bill before us will move that modernization process forward.

Mr. Chairman, there are a variety of other provisions, too numerous to enumerate, in this bill that will improve the aviation system in this country and which I strongly support.

However, as occurred last Congress, I am in the rather odd position of voting ''no'' on final passage for my subcommittee's bill. Back in the last Congress, the committee leadership worked together on a bipartisan basis to craft and introduce a good bill. But since that time, and continuing in this new bill, various provisions have been added which make it impossible for me at this time to support the bill.

One provision is regarding air traffic controllers. Part of the provision putting changes in future impasse procedures I do not object to, but it also reopens the currently imposed contract and includes back pay under terms of the 1998 contract, which was estimated to cost the taxpayers some $1 billion over the life of the bill.

The second provision provides that we would move express carriers from being covered by the Railway Labor Act of the National Labor Relations Act, which is really directed at just one company, and that is Federal Express; and, really, I don't think that should be included in this legislation. I think we'll hear more about that from other Members.

Other provisions raise concerns, such as the foreign repair station language which could have unintended consequences as far as trade relations with Europe are concerned, and another that would automatically sunset airline alliance antitrust immunity agreements 3 years after the enactment of this legislation, which again could set in train consequences we cannot understand at this time.

In conclusion, I'd like to thank Chairman OBERSTAR; my chairman, JERRY COSTELLO; Ranking Member MICA, and certainly the staff on the committee for their dedicated work on this bill. And in conclusion, while I support the general goal and the overwhelming majority of this bill, I do not support it at this particular time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds to thank the distinguished gentleman from Wisconsin for his comments, for his contribution and for his ever-present Norwegian wisdom that he has brought to the shaping of this legislation. He's been a splendid partner.

□ 1430

Now I yield 3 minutes to the distinguished chair of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I want to talk a moment about the safety of our skies and the frightening gap in training and oversight surrounding the commuter airline business.

One of the worst plane accidents in recent history occurred earlier this year on the night of February 12, just outside of Buffalo, New York. We lost 49 lives that snowy and icy night, and my thoughts are with the families and the victims.

Last week the National Transportation Safety Board conducted hearings, and we were shocked and saddened by the testimony and the revelations. I'm not here to revisit the sad last moments of the crew or the 45 passengers who were lost that day. We still have many questions that must be answered and a lot of work to be done to ensure it never happens again. That is our responsibility and our mission.

I want to address the shocking conditions that many of these pilots are facing each and every day because of the lack of rigor and training and certification programs of commercial airline pilots. I hope we can shine a light on the appalling job that the FAA has done in recent years in regulating that industry. That's why I've joined with my friends from New York, Mr. LEE and Mr. HIGGINS, to introduce an amendment mandating a detailed investigation by the General Accounting Office into this gap in training.

We need to look at the number of training hours required for new pilots,

how the carriers update and train the pilots, and what kind of remedial action is taken when pilots rate unsatisfactorily, among other things.

It is my belief that a thorough, top-to-bottom review of this issue is absolutely essential if we are to understand the troubled reality of today's regional airline industry.

Most importantly, if we don't get all the facts out and into the open, we are unlikely to be able to take meaningful steps toward reform. My intention is to work with colleagues on this issue and explore legislative remedies that we can take.

As I look around the Chamber, I'm reminded that many Members of Congress also take flights to get home to their districts that are the regional airlines. And I take two of them every week. And in the gallery I'm sure there are visitors who have flown to Washington from their hometowns. Every day people from coast to coast in small cities and major hubs catch a plane from work to see a loved one, or simply to get away. All deserve the confidence that the pilots in the front of the plane are trained and ready for work when that aircraft pushes back from the tarmac.

It's my understanding that the salary of one of the pilots on that plane was $16,000 a year. I can only imagine how little the attendants were paid. These young pilots earn far less than pilots at major carriers and struggle to make ends meet. My guess is it would surprise many of the passengers on a typical commuter flight to know the captain was paid less than a bus driver.

Worse still, we learned during the hearing that many of the pilots fly when they are sick and when they have not been able to have food. Imagine that. A pilot responsible for a plane full of men, women and children, who is sick but can't take the day off; hungry and can't stop and get lunch.

We have discovered the training is stunningly inadequate.

We have also discovered that the training for some of these pilots is stunningly inadequate.

For example, the pilot in the Buffalo crash had apparently failed a hands-on proficiency exam not once but three times. He covered that up on his job application and the fact was not discovered until after the accident, according to the testimony we heard last week.

And even after that pilot was hired by Colgan, he actually failed two additional check rides but still was certified to fly. That's five failed tests—five too many if you ask me.

Passengers on a typical flight would be horrified to learn that the pilot flying their plane was a repeat failure on such a basic skill test.

And finally the way that these pilots are assigned routes—which in many cases are hundreds if not thousands of miles from their homes—appears to me to be a recipe for disaster. In the case of the Buffalo crash, both pilots had flown from across the country just to arrive at their route—one from Florida and one from Seattle. Both had apparently slept in a lounge—if they slept at all. Trying to rest in a lounge or an airplane is not safe and we should not tolerate pilots being treated that way.

We need to reform this system so airlines and pilots can escape from this insane business of criss-crossing the country to work in different time zones for meager pay and the hope that one day they'll work for a major airline.

It's my intention to buckle down on this issue so we can put the focus less on the glamorous lifestyle of pilots and more on the quality of their training and certification and safety.

I encourage all of my colleagues to support this common-sense amendment and get some answers on the regional airline industry.

Mr. OBERSTAR. May I inquire of the Chair how much time remains on both sides.

The CHAIR. The gentleman from Minnesota has 10¾ minutes and the gentleman from Florida has 14.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds, and then I would like to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Just 15 seconds to add in the RECORD that the repair station provision I will cite for different Members, in Mr. COSTELLO's district, according to Midcoast Aviation, will cost us and kill 1,339 jobs.

GE,
Washington, DC, March 3, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, House Transportation and Infrastructure Committee

Hon. JOHN MICA,
Ranking Member, House Transportation and Infrastructure Committee

CHAIRMAN OBERSTAR AND REPRESENTATIVE MICA: This is to express great concern over the foreign repair station language contained in Sections 303 and 310 of H.R. 915 the FM Reauthorization Act of 2009. On behalf of GE Aviation, a world-leading producer of commercial and military jet engines and components as well as integrated digital, electric power, and mechanical systems for aircraft, we are very concerned that these provisions will significantly compromise the U.S. competition in position. GE Aviation also has a global service network to support these offerings, including 29 repair stations in the United States and 20 in foreign countries. Our U.S. repair stations employ over 3280 high-wage, highly skilled employees. If enacted as written, these sections could lead to retaliatory actions by the European Community, raise repair station initial certification and renewal costs twenty-fold, place U.S. repair stations at a competitive disadvantage in a very difficult economy, and put many thousands of American jobs at risk.

In recent conversations with the FAA, European officials have made it clear that, should these provisions be enacted, the European Aviation Safety Agency (EASA) would reciprocate and require the same twice-annual inspections of its U.S.-based certificated facilities. Based on EASA's own estimates, certification costs for repair stations would rise from an average of $960 to $32,100 per station, if they conducted only one annual inspection per facility. Such a drastic increase in certification costs would pose significant hardships on repair facilities throughout the U.S.

There are approximately 2,000 FAA-certificated repair stations worldwide—over 1200 of them are in the U.S. On the other side of the globe, the aerospace industry has experienced substantial growth in the emerging Asian and Pacific Rim markets. While reciprocal agreements are not yet in place to the same degree as with the EU, this legislation as currently proposed will negatively impact any attempt at amicable agreements there in the future. We believe that the proposed language would do irreparable harm to the hundreds of small businesses that make up the U.S. aviation maintenance industry and the thousands of Americans they employ. In addition to the cost of certification, a greater concern is the fact that EASA does not have sufficient staff to conduct twice annual inspections of its 1,237 certificated U.S.-based repair facilities (as compared to only 425 FAA certificated repair locations in Europe). Stations unable to be reviewed by EASA personnel at such a rate would no longer be able to work on European-registered aircraft and components, thus damaging stations whose customers require both U.S. and EASA certification, and place tens of thousands of U.S. jobs at risk.

Finally, if enacted as written, Section 310 would prevent a manufacturer from either rebuilding a part under its current authority or repairing a part it manufactured as a subcontractor to a repair station or air carrier. To remedy this unintended consequence, we recommend adding employees of manufacturers to the list of persons authorized to perform work for part 121 air carriers, either directly or as a subcontractor to a repair station.

Gentlemen, in order to protect the tens of thousands of U.S.-based aviation maintenance professionals, we respectfully request that you amend Sections 303 and 310 to ensure it will be applied in a manner consistent with United States obligations under international agreements. As always, GE stands committed to working with Congress to stimulate the economy while protecting U.S. manufacturing jobs.

Sincerely,

SEAN O'KEEFE,
Vice President.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 20, 2009.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports the intent of H.R. 915, ''The Federal Aviation Research and Development Reauthorization Act of 2009,'' which would accelerate implementation of the Next Generation Air Transportation System (NextGen) initiative, support vital investments in aviation infrastructure, and provide for day-to-day operations, maintenance and research. However, the Chamber has significant concerns with three provisions in H.R. 915 relating to foreign repair stations, antitrust immunity, and roll-back of the contract between the National Air Traffic Controllers Association (NATCA) and the FAA. The Chamber urges Congress to address these concerns as the legislative process continues.

Improving and modernizing the air traffic control system, which is at the heart of America's aviation woes, must be a national priority. Congress must act to transform the U.S. aviation system to meet the expected 36 percent increase in fliers by 2015 by expediting air traffic control modernization and providing the necessary investment to increase national aviation system capacity. The FAA needs to move forward with the NextGen initiative by deploying available state-of-the-art ground, air, and satellite-

based technologies as soon as possible. The Chamber believes that H.R. 915 would support this priority.

The Chamber supports the robust General Fund contribution to aviation programs contained in H.R. 915. Historically, General Fund revenues have been used to pay for a significant portion of the FAA's costs and reflect the public's interest in a safe and efficient air transportation system. Throughout the FAA reauthorization discussions and development of the bill, the Chamber has consistently stated that a robust General Fund contribution is key. Specifically, this contribution meets several vital national interests including: national defense; emergency preparedness; postal delivery; medical emergencies; and full implementation of a national air transportation system. According to the Congressional Budget Office estimates, the average General Fund contribution to aviation programs from 2009–2012 will be 32%. With this General Fund commitment, the FAA will be in a position to work with industry to meet the public interest and manage the impending increase in passengers and the systems developed to provide for them.

However, the Chamber is concerned with three provisions in this legislation.

The Chamber opposes Section 303 of the legislation unless amended to address serious international trade concerns. As written, the bill jeopardizes many of the 129,000 jobs at more than 1,200 European Aviation Safety Agency (EASA)-certified aviation repair stations in 46 states. Section 303 calls for biannual FAA inspections of its certificated repair stations overseas.

This provision violates the 2008 bilateral aviation safety agreement with the European Union (EU), which calls for reciprocity of both aircraft certification and inspection of repair stations. If this inspection requirement is applied to Europe, the E.U. would be forced to impose reciprocal requirements for European aviation personnel to inspect U.S.-based, E.U.-certified aviation repair facilities. This requirement would result in a major increase in the associated fees charged to those U.S. facilities and could threaten thousands of American jobs by making international aircraft repairs in the U.S. more costly and less competitive. Preventing these job losses and protecting American businesses is simple and straightforward: Section 303 should be amended to be consistent with U.S. international obligations like the U.S.-E.U. bilateral aviation safety agreement.

The Chamber also opposes Section 424, which would automatically sunset existing grants of antitrust immunity and prohibit renewal unless the Secretary of Transportation determines whether to adopt new standards for authorizing international airline alliances and granting antitrust immunity. Alliances provide a way for U.S. airlines to serve their customers globally, strengthen air carriers' financial performance and competitive position, and serve passengers through more frequent and convenient services and connecting options. Based on data from the Air Transport Association's member airlines, this bill could cost as many as 15,000 U.S. airline jobs alone, not to mention the indirect effect on employment at other U.S. and international companies.

Finally, the Chamber strongly opposes Section 601 of the legislation, which would require application of a new dispute resolution process to the ongoing dispute between the NATCA and the FAA. Although the Chamber strongly supports and appreciates the work the air traffic controllers undertake every day to make the America's airways safe, rolling back a lawfully implemented contract and requiring binding arbitration to resolve contract disputes would not serve the best interests of the system, its users, or the taxpayers. Overturning this contract could cause controller hiring to be significantly reduced or even terminated, and technician hiring to be slowed or eliminated. Undoing the current contract would be costly—CBO estimates the cost at $1 billion—and would divert more of the FAA's budget away from modernizing the U.S. air traffic control system. Such efforts would ultimately undermine the FAA's ability to modernize the air traffic control system.

Maintaining, modernizing and expanding the infrastructure and capacity of the U.S. aviation system are, and will continue to be, top priorities for the business community. The Chamber looks forward to working with Congress to improve this legislation as the legislative process continues.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, April 20, 2009.

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

DEAR MADAM SPEAKER: The six month Federal Aviation Administration (FAA) authorization extension recently signed by President Obama provides additional time to resolve outstanding issues as Congress, the Administration and stakeholders work to achieve a consensus to reauthorize the FAA and its critical programs. We believe that a robust FAA reauthorization is critical to rebuilding and supporting a modern transportation infrastructure that meets today's demands for moving people and goods. However, the National Association of Manufacturers (NAM) would like to note two issues of national competitiveness that Congress must appropriately address as H.R. 915, the FAA Reauthorization Act, is further contemplated.

While we enjoy the safest aviation system in the world and continue to maintain our high levels of safety, the United States must seize the opportunity to transition from an antiquated air traffic system designed in the 1950s to a fully modern, digitally integrated 21st century Next Generation Air Transportation System (NextGen). The NAM fully supports the goals of NextGen contained in H.R. 915 and appreciates the designation of NextGen as a national infrastructure priority. However. the legislation must also call for an accelerated deployment effort that is focused on achieving critical outcomes over the next two to five years. The President's identification and $800 million commitment to NextGen in the FY2010 budget request is a commendable first step hut that funding level will not adequately accelerate NextGen efforts. Providing reasonable incentives for airlines and operators to invest in the necessary technology must he a priority. NextGen is not a typical federal procurement and a program of this magnitude and complexity requires a steady, reliable, and robust funding stream in order to be successful.

The benefits of NextGen are real and the opportunity to reduce greenhouse gas emissions, reduce travel times, and provide greater system-wide throughput will reap rewards for years to come and help keep the United States on competitive footing as the nation emerges from an unprecedented economic recession. As the Europeans introduce their version of NextGen, other nations with growing air traffic, like China and India, will look to the U.S. and European Union to guide the evolution of their air transportation systems. If the U.S. is not perceived as the leader in deploying this technology, then opportunities for U.S. manufacturers and workers will he lost forever.

In addition to the acceleration of NextGen, I would like to bring to your attention an issue of great concern to our members who manufacture for the aviation sector and operate aircraft repair stations both here in the United States and overseas. The bilateral air safety agreement between the U.S. and E.U. signed in June 2008 will be compromised if language contained in Section 303 of H.R. 915 is enacted as written. The legislation calls for semi-annual FAA inspections of its certified repair stations overseas. Such FAA inspections in Europe will directly violate this agreement which calls for reciprocity of both aircraft certification and inspections of repair stations.

If H.R. 915 becomes law, the E.U. has stated that it will retaliate by imposing a requirement for European aviation personnel to inspect U.S.-based E.U.-certified aircraft repair facilities twice a year—entailing a dramatic increase in associated fees charged to those U.S. facilities. Such a development would threaten businesses and thousands of American jobs by making international aircraft repairs in the United States costly and uncompetitive. Preventing job losses and maintaining a manufacturing and a skilled labor workforce in the current economic climate must he paramount. Additionally, if the current agreement breaks down to a point where it is unworkable between the U.S. and E.U., then American access to European markets will be further challenged by the re-introduction of a redundant and inconsistent regulatory structure that will jeopardize exports of American aircraft, engines; and other components. The retaliation threat from the E.U. is real and we must work together to maintain the integrity of our existing a agreements with our key trading partners.

The United States remains the leader in international aviation in terms of safety and competitiveness, but our rivals in Europe and Asia are not far behind and seek opportunities to get ahead of the iconic American aviation industry. The NAM is concerned that H.R. 915 unwittingly provides the opportunity for our competitors to gain an advantage that will translate to fewer high-skill and high-wage jobs in the U.S., less exports, and a further weakened aviation industry that is already challenged by the current economic environment.

Sincerely,

JOHN ENGLER,
President and CEO.

I yield now to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, Ranking Member MICA, Chairman OBERSTAR, today I rise reluctantly in opposition to the FAA Reauthorization Act of 2009.

I have several concerns about the bill that I believe undermine the international competitiveness of the American airline industry.

Section 425(e) of this bill would sunset in 3 years the antitrust immunity for U.S. air carriers that participate in international alliances. This provision could threaten the viability of our U.S. airline industry and hurt customers.

At a time when the economy is struggling and people are traveling less, it's not wise to further impair American carriers' ability to deliver the best possible service. Unfortunately, that's exactly what this provision does, and I

hope it is removed before the bill is presented to the President.

Alliances help better serve Americans traveling both at home and abroad, and allow airlines to pool resources to better deliver customer service. When airlines partner together, consumers have improved booking and connecting options, industry competition is increased, and lower fares are more accessible.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman another 30 seconds.

Mr. BRADY of Texas. If U.S. carriers lose these benefits because of a shortsighted sunsetting of immunity, American jobs will be at stake. The Air Transport Association estimates that we may lose as many as 15,000 U.S. airline jobs if this sunsetting occurs. With the economy as it is today, we cannot afford losing these good American jobs.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. MICA, let me just say that when you state that Midcoast Aviation will lose 1,300-and-something jobs, you're supposing a lot of things will happen here. There is no evidence at all that any repair station in this country will lose one job. You suppose that there will be retaliation. You suppose that it will break an agreement that we have with the European Union, and, in fact, it does not, and I think Chairman OBERSTAR made that clear.

So I think we could stand here tonight or today and say that if this airline went bankrupt or if this business went bankrupt, so many jobs would be lost, or certain action was taken toward a company, that these jobs would be lost. But there's a lot of things that have to happen before one job is lost.

And as I said earlier, and I will repeat again, if I thought for a minute that either the repair station in my district, and there is more than one, or the repair stations in any district in the country would suffer as a result of this, I would not be supporting the provision.

Mr. MICA. Mr. Chairman, I would like to yield myself 15 seconds.

So for 15 seconds, I see Ms. Johnson in the Chamber, and her district, I have the list of aviation centers in her district that will lose a total, or could lose a total of 1,735 job. Again, job-killer provisions in this legislation.

I yield 3 minutes to the gentleman from Illinois (Mr. SCHOCK) a member of our committee.

Mr. SCHOCK. I, too, rise with concerns about section 303. As the author of an amendment that would have worked to rectify this job-killing portion of the bill, I went before the Rules Committee yesterday and heard from our distinguished chairman, Mr. OBERSTAR, our ranking member, Mr. MICA, Mr. COSTELLO and Mr. PETRI, all who spoke to the issues of these FAA inspections.

I find yet today on the House floor much of the time today is being spent talking about this very issue. And I first might say that perhaps the other 430 Members of this body too deserve the opportunity to weigh in on whether or not this provision is good or bad for America, and specifically, good or bad for their district.

I'm not going to suggest to another Member that it's going to be bad for their district. I can only speak for myself, and I will tell you, it will be. One company in my district, it may be small, Standard Aero in Springfield, Illinois, does $5 million of business, even given the economic downturn, working on aircraft from other countries. This provision that will require FAA inspections of foreign service stations, there's no question what the result will be. The European Union, with whom we have an agreement now, will reciprocate, will retaliate. It's not a question; they've been very clear. They've said it in public. They've gone so far as to write a letter to this administration and this body stating that.

When that happens, they've also been very clear what will happen. They don't have the inspectors to come over here to service our stations, to inspect our service stations. And as a result, our service stations who currently work on foreign aircraft will no longer be able to. There are over 1,200 of these stations, one of them in my town of Springfield, Illinois. So this question about what will happen is bogus. It's been very clear.

The argument of safety has yet to be justified. The idea that additional inspections and duplicative inspections somehow makes us safer has been yet to be justified. And since this agreement between the European Union and our country, which has made our inspections process more efficient, has been in effect for a number of years now, there's been little evidence to suggest that we're any less safe.

And at a time when we have a crisis on our hands with commuter aircraft and an inability within the FAA to provide adequate inspections and safety for the American citizens who travel on that aircraft, I would suggest that is where our money, our attention and the FAA's time and talent ought to be focused.

I, too, agree there's much good in this bill. But I'm, unfortunately, going to have to oppose it because of these provisions which will cost jobs in my district.

Mr. OBERSTAR. I yield 2 minutes to the distinguished chair of our Water Resources Subcommittee, Ms. JOHNSON of Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise to have a colloquy with the chairman.

The Dallas Area Rapid Transit, DART, has been a leader in promoting intermodalism throughout the North Texas area region. And the City of Dallas plans to construct an intermodal connector that will provide passengers with an easy connection with the Dallas Love Field Airport. And I respectfully ask the distinguished chairman to work with me to ensure that Dallas Love Field Airport receives priority consideration for the program outlined in section 114 of this bill.

I want to thank you, Aviation Subcommittee Chairman COSTELLO and Ranking Member PETRI for your work on this bill, particularly in the area of intermodalism as outlined in Section 114 of the bill.

Expansion of passenger facility charge (PFC) eligibility to include Intermodal Ground Access Projects at Airports is of utmost importance to my congressional district.

This Committee cares deeply about intermodalism and I care deeply about intermodalism.

Mr. OBERSTAR. If the gentlewoman will yield.

Ms. EDDIE BERNICE JOHNSON of Texas. I will yield.

Mr. OBERSTAR. The provision in section 114 establishes a pilot program envisioning four to five pilot projects to be determined by the Secretary of Transportation. I will gradually join with the gentlewoman and appeal to the Secretary on behalf of the Dallas project. I think it makes good sense. I think it would be a splendid candidate and would be happy to support her in advocating for selection of the Dallas Love Field project.

Mr. MICA. Mr. Chairman, I yield myself 15 seconds.

I see in the Chamber, Mr. Chairman, Congressman COHEN. And while he has some provisions in this that will do much damage to his district, the repair station job-killer provision will kill, could kill 218, I have a list of the companies, high-paying jobs.

I yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, I rise today to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, section 311 of the bill directs the FAA to complete its analysis and recommendations for updating the aircraft, rescue and firefighting standards at our Nation's airports. I agree that the FAA should complete an update on firefighting standards, and commend the chairman for his dedication to improved safety at our airports. However, I am concerned that the prescriptive language in section 311 would unnecessarily create a significant financial burden on small rural airports least capable of absorbing cost increases.

Will the chairman confirm that it is not the intent of H.R. 915 to saddle small airports and rural communities with unnecessary unfunded mandates?

Further, can the chairman assure me that he will work with me and other Members from rural districts to ensure that there is adequate flexibility in aircraft rescue and firefighting standards to account for the unique needs of small rural airports?

I yield to the chairman.

□ 1445

Mr. OBERSTAR. I thank the gentlewoman for raising this issue and for yielding.

I, too, represent a district with a large rural area and many small airports. The standards for firefighting on board aircraft have not been updated for years, and it is time to do that. It is not our intent that this updating should impose exceptional, unusual, or heavy burdens on small airports. In fact, the language in section 311(d) states that, during the rulemaking proceeding, the FAA shall assess the potential impact of any revisions to the firefighting standards on airports and on air transportation service.

We are going to be very clear that they take into account the unique circumstances. Many small communities can share firefighting services with local firefighting organizations.

The CHAIR. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield the distinguished gentlewoman another 30 seconds.

There are airports where that doesn't exist, where that capability does not exist. So we will be watching the rulemaking process very carefully. I will be glad to work with the gentlewoman to ensure that in the process small airports are heard and that in the end their concerns are reflected.

Mrs. LUMMIS. I thank the chairman for his willingness to work together. I would also like to thank the gentleman from Nebraska, Mr. ADRIAN SMITH, for his valuable assurance on this important issue.

Mr. OBERSTAR. I now yield 1½ minutes to the distinguished gentleman from Georgia (Mr. JOHNSON), the chair of a subcommittee of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of the FAA Authorization Act of 2009, which deals with international airline alliances, which under current law, are eligible for antitrust immunity.

I want to focus on section 425 in my limited time. It directs a study on the procedure by which these airline alliances are approved and given antitrust immunity. It would also sunset all such antitrust immunity in 3 years. After that time, the airlines would have to reapply under whatever new standards the Secretary of Transportation adopts as a result of the study.

Mr. Chairman, sound antitrust policy is a critical part of ensuring that customers receive the full benefits of a competitive marketplace. As chairman of the Judiciary Committee's Courts and Competition Policy Subcommittee, I'm committed to ensuring that international air transportation policy is properly reconciled with sound antitrust policy.

I appreciate the Transportation Committee's commitment to this, and I also appreciate the Judiciary Committee for allowing us to share in this. I thank you very much.

Mr. MICA. I would like to yield myself 30 seconds to respond. Then I would like to yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. Chairman, I had my staff compile the number of jobs that would be killed in the Transportation and Infrastructure Committee members' districts. The previous speaker from Georgia represents probably one of the busiest airports and activities in the United States, and he has expressed concerns. I don't know how many jobs will be killed in his district. In Ms. RICHARDSON's district in California, which is suffering from a downturn in the economy, they could lose 1,015 jobs.

I will yield now 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I want to thank Mr. MICA for yielding to me.

I want to commend the chairman of the full committee, Mr. OBERSTAR; the chairman of the subcommittee, Mr. COSTELLO; the ranking member of the full committee, Mr. MICA; and the subcommittee ranking member, Mr. PETRI, for bringing us, again, this well-crafted bill. It looks a lot like the bill that was successfully passed by a big margin here in the House during the last Congress. Sadly, the Senate couldn't see its way clear to pass it.

I want to speak specifically on one issue. My time on the Transportation and Infrastructure Committee has come to an end, sadly, but I'd like to consider myself an ex officio member as we talk about this one issue. That is the issue of the air traffic controllers. I'm a Republican, and I'm proud to be a Republican but I have to tell you that one of my great disappointments during the last administration is that I do believe President Bush was ill-served by his advisers who told him to declare an impasse in the negotiations between the administration and the air traffic controllers and to basically impose a contract on them.

I think everybody on this floor now engaged in the debate has been inside an air traffic control center and has seen these dedicated men and women who are peering in the dark at screens, controlling 10, 12, 15 jetliners filled with 138 or 150 Americans and travelers to our country, making sure that they get there safely.

Now, it's not my belief that everybody who works in this country is entitled to have a contract that they're happy with. It is my belief, however, that everybody who works under a contract, a labor-negotiated contract, has the right to be happy about the process in which it was reached. This contract imposed by the last administration was not fair. I give credit to the Obama administration for appointing Jane Garvey to move that process forward.

These people do an important job. Some people say they make too much money, but I'll tell you what, that's what you work out in negotiations. So they're entitled to have a contract where their representatives sit down and, eyeball to eyeball, talk to folks in the administration and get this done.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise today to engage in a colloquy with the chairman, Mr. OBERSTAR. First, I want to thank you for recognizing the importance of the St. George Airport to my constituents in Utah.

As you know, on October 17, 2008, the City of St. George, Utah and the Federal Aviation Administration broke ground on the construction of a new replacement airport that will provide air service to the over 300,000 residents of southern Utah. This is one of the few new airports being built in the country. The total project will cost $168 million, and airport operations are scheduled to begin on January 1, 2011.

The project is being funded largely through Federal grants, covered by a letter of intent from the FAA, in the amount of $119 million. Unfortunately, St. George still needs funding for navigation aids, including an instrument landing system. These are critical of the safety of operations at the airport.

I appreciate the committee's recognition of Secretary LaHood's commitment to fully fund the navigation aids component of the airport. I remain committed, as I hope the committee will, to ensuring that the FAA funds these important safety enhancements by 2010.

With that, I would yield to the chairman.

Mr. OBERSTAR. I want to compliment the gentleman for his vigorous and persistent advocacy for the St. George Airport. I'm delighted that Secretary LaHood has committed to fund the navigation aids for the St. George Airport. We encourage him to stay on track, and we'll continue to work with the gentleman in pursuit of that objective. Congratulations on your advocacy.

Mr. MATHESON. Well, I thank the chairman always for his support.

Mr. MICA. Mr. Chairman, I yield myself 30 seconds.

Again, the figures that I'm using about the job-killing provisions, particularly on the repair station provision, are not my guesstimates. These are provided by industry.

I don't see Ms. BROWN on the floor, but my colleague Ms. BROWN and I share a district in Florida, its boundaries, and it's estimated that 935 jobs could be lost. This is when our area is suffering from 10 to 15 percent unemployment, and these are high-paying jobs.

Mr. OBERSTAR. I yield now 2 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, today I rise to enter into a colloquy with the distinguished chairman of the Transportation Committee.

First of all, Mr. Chairman, I would like to thank you and Mr. COSTELLO for your strong leadership and for improving the safety of air ambulance operations. I want to thank you for working with us on this issue over the last

couple of years. I've had an opportunity to discuss my legislation with you.

Mr. Chairman, I rise today to support your amendment, which includes a section that will enhance the safety of helicopters to the air medical safety community. As you know, there have been far too many fatal accidents over the years, and I thank the chairman for working on this issue over the past 4 years.

We have seen three fatal air ambulance crashes in my district. A flight crew from Steamboat Springs crashed on January 11, 2005. A few months later, on June 30, 2005, an EMS helicopter crashed in Mancos, Colorado. On October 4, 2007, we lost three lives near Pagosa Springs. Two of those involved fixed-wing aircraft, and that is why it's so critical to improve the safety standards on all aircraft that provide air ambulance services.

Mr. LUNGREN and I introduced legislation to increase the safety of all aircraft, not only of helicopters, and of pilots providing air ambulance services. Our legislation includes both helicopters and fixed wings.

I would like to ask if you would be willing to work with us to include all aircraft that provide air medical services in the future.

I yield to the chairman.

Mr. OBERSTAR. Mr. Chairman, the distinguished gentleman from Colorado has been most persistent and vigilant on this issue of aviation safety. As the gentleman rightly noted, there have been a number of air ambulance crashes in his district, two of which were fixed-wing aircraft.

The CHAIR. The time of the gentleman has expired.

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

We intend to concentrate the attention of the FAA on helicopters because the preponderance of the problem has been helicopter services, but the FAA can and should take action also on fixed-wing aero medical service safety. Mr. COSTELLO and I will work with the gentleman not only to ensure that helicopter ambulance service is held to the highest standard but also that of fixed-wing aircraft.

I appreciate the gentleman's persistence on this subject and his knowledge on the issue.

Mr. SALAZAR. I appreciate the chairman's commitment, and I look forward to continuing to work together.

Mr. MICA. Mr. Chairman, I would like to yield myself 30 seconds.

Well again, I've talked about the job-killing provisions of the repair station mandate in this bill. On our small Aviation Subcommittee, it has the potential for killing 7,100 high-paying jobs in Democrat districts. This is an equal opportunity job killer because in Mr. PETRI's district, a gentleman who is here in a Republican district, it could do away with 850 jobs. I also know Wisconsin needs those high-paying aviation industry jobs.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I would ask you, Mr. MICA: In the figures that you were using from Midcoast Aviation and all of the other figures you just said, 7,000 and something jobs in Democrat districts on the Aviation Subcommittee, are you assuming that all of those facilities will close, that they will completely shut down and that every job will be lost?

I yield to the gentleman.

Mr. MICA. Well, first of all, we got the information both from the FAA and from industry.

Mr. COSTELLO. I understand.

Mr. MICA. We may lose that many jobs if there is retaliation.

Mr. COSTELLO. Reclaiming my time.

Meaning, for every single person employed at Midcoast Aviation and for every facility on the list, if our European friends retaliate, all of those facilities are going to shut down, and everybody is going to lose their jobs? Is that what you're saying?

Mr. MICA. Well, we're not certain, but again I'm telling you what the industry says. We have countless groups that have said that this is a job killer to the industry.

Mr. COSTELLO. You're listing the number of people who work at those facilities?

Mr. MICA. I don't know how many jobs will be lost.

□ 1500

Mr. MICA. I would like to yield 1 minute, if I may to Mr. COHEN.

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

Mr. COHEN. This is an excellent bill, and Mr. OBERSTAR and Mr. COSTELLO have done a great job. But there is a provision which affects the number one industry in my district, Federal Express, in a way that could be very adverse to my community and to that corporation. It lifts them out of the Railway Labor Act where they've been in their entire history and changes 80 years of case and court law. The Railway Labor Act was created to keep our labor moving and have labor and management in express carrier airline and railroad services work in a very special way to protect interstate commerce and keep it flowing. This could jeopardize that particular situation.

If we want to repeal the Railway Labor Act, that's one thing, but to lift a company out of it specifically is not fair when there has not been a hearing. My airport authority, my Chamber of Commerce, and most of the business leaders in my community are against the bill for this reason, and for that reason, I will have to vote ''no.'' But there is so much good in it, it's a regrettable vote.

Mr. OBERSTAR. We reserve the balance of our time.

Mr. MICA. Can I inquire as to the balance of time on both sides, please.

The CHAIR. The gentleman from Florida has 2½ minutes. The gentleman from Minnesota has 1½ minutes.

Mr. MICA. Mr. Chairman, I will conclude and yield myself the balance of my time.

Again, we've worked hard. We have a common goal here. Mr. OBERSTAR cares deeply about the safety and viability of our American aviation industry.

Mr. COSTELLO shares that concern, our chair of the Aviation Subcommittee. Mr. PETRI, our ranking Republican. We have the leaders of aviation. When I came to Congress, Mr. OBERSTAR was the chairman at the Aviation Subcommittee. I had the opportunity for 6 years during a very difficult time in the history of the country from 2001 for 6 years to lead that committee.

Our interest is safety. Now, there are very good provisions in this bill, and we've worked together to put them there. There are some hiccups here and some things we wish were not in the bill. I have great concern about this repair station provision and the jobs that it may kill. I don't know how many. All I have is the information. We took the information from the districts of just the members on the subcommittee, and it's 11,000. This is a bipartisan job-killing provision—11,442 just on our small subcommittee in Congress. We can't take that chance now.

Now, you heard Mr. JOHNSON, I believe, from Georgia talk about the antitrust provisions. And we're told by the Air Transport Association the job-killing potential of that antitrust provision that was not in the bill that was voted on by Congress last time, it's a new provision and a job-killing provision.

Our interest here is putting people to work and making this system safe, not doing away with jobs. So we've got to ensure that the provisions of this are sound for safety, sound for the current operations of our Federal Aviation Administration system, and sound, also, for the future.

With that, I pledge to work with my colleagues because this bill will probably pass today. I wouldn't want to go back during Memorial Day and say I voted, however, for a measure—and we just heard Mr. COHEN from Tennessee make a plea because this has job-killing provisions for him—and say this may kill high-paying jobs in your district.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the minute and a half remaining.

I would not want to come back on this floor at some future date and have to respond to an air tragedy because an aircraft wasn't properly inspected in a foreign repair station that was not properly crewed or supervised by U.S. personnel. We have the personnel in Europe to do the inspections. If the European community says—and they're

crying wolf, they're screaming inanities here that they don't have the personnel to inspect mutually in the U.S., then that's their problem. It's not ours.

But I want to say that the Congressional Antitrust Modernization Commission recently made this recommendation: ''Statutory immunities from the antitrust laws should be disfavored. They should be granted rarely and only where, and for so long as, a clear case has been made that the conduct in question would subject the actors to antitrust liability and is necessary to satisfy a specific societal goal that trumps the benefit of the free market to consumers and to the U.S. economy in general.''

We are not terminating alliances. The language in this bill says that the antitrust authority shall expire at the end of 3 years. The alliance can continue. There is nothing wrong with alliances, but no one in this society deserves permanent immunity from the antitrust laws of this country, and that is what Bob Crandall, one of the greatest innovators in aviation history said that the antitrust immunity should not be allowed.

Mr. COHEN. Mr. Chair, I rise to express my concern with the FAA reauthorization bill in its current form.

The FAA Reauthorization bill contains many good improvements that will benefit aviation and the nation as a whole. However, the bill includes a provision that is completely unrelated to the FAA and could have the most damaging effect on the constituents in my district of Memphis.

I am very concerned about the inclusion of language that seeks to change the laws with respect to only one company, FedEx Express, which is the largest employer in my district. The Federal Express Corporation, which includes FedEx Express, employs approximately 30,000 hard working Memphians.

The FAA reauthorization bill, as currently drafted, includes a provision that would shift the employees of one company, FedEx, from coverage under the Railway Labor Act (RLA) to governance under the National Labor Relations Act (NLRA).

FedEx Express and FedEx Corporation have been governed under the Railway Labor Act (RLA) since their inception. Some have said this change will put FedEx Express on an even playing field with competitor United Parcel Service (UPS). However, this is not accurate. Unlike UPS, which started as a walking/bike messenger system, FedEx Express has always been an air cargo carrier. I can understand why UPS would want their top competitor to be under the same labor laws. However, the two companies have different origination histories.

There are over two decades of findings by the Federal courts, the National Labor Relations Board and the National Mediation Board that reaffirm Federal Express is an ''express carrier'' under the Railway Labor Act. The Ninth Circuit United States District Court in California has also reemphasized this and it is the law of the land.

If it is the intent of Congress to do away with the Railway Labor Act that is one thing, but it's another to simply pick out one term because of one company. There is a long history with respect to our nation's labor laws, and the inclusion of three types of entities under the Railway Labor Act: railroads, airlines and express carriers.

This is a very complex issue that could have drastic consequences, which could negatively impact our interstate commerce. A hearing should have been held in order to have an adequate public exploration of the policy surrounding the issue or the effect on private industry and the nation, or in this case, one company.

Mr. Chair, through my long legislative career, I have always been a strong supporter of collective bargaining and I have been a longtime friend to labor. I have stood with them on important issues, like minimum wage, Davis Bacon, and trade agreements to protect American jobs and support American standards.

However, this is not about denying workers an opportunity for collective bargaining, this provision is about switching the jurisdiction of a technical term in our labor laws in order to affect one company. Because this provision was included in the FAA reauthorization bill, I was asked by the Memphis Chamber of Commerce and the Memphis Airport Authority to oppose it.

The question is one of fairness. Laws should not single out a person or a company, particularly when the law does not properly fit the circumstances. In this instance, making this so-called technical change will have a devastating effect upon the biggest employer in my District. In this already tough economic climate, the effects will be felt beyond Tennessee's Ninth Congressional District because FedEx is a great economic presence in our country and our world. Now more than ever, we need a steady stream of interstate commerce, which could very well be disrupted by this legislation. Such a disruption could cripple our economy.

Mr. KLEIN of Florida. Mr. Chair, I rise today in strong support of H.R. 915, the FAA Reauthorization Act of 2009, and to commend Chairman OBERSTAR and Aviation Subcommittee Chairman COSTELLO for their leadership in bringing this bill to the floor today. This ambitious legislation will address the complex challenges facing our nation's aviation system, from the way we track our planes to the way we treat our passengers.

I was proud to author a provision in this legislation that would add an important layer of protection for consumers who endure unacceptable travel conditions. It came as a response to the alarming rate of complaints our constituents had over the past few years.

Clearly, there are problems with our airline system. An aging infrastructure, outdated technology, unrealistic flight schedules, an overstretched workforce, and poor weather have all been cited as problems.

It's true that despite these challenges, lots of passengers reach their destination without difficulty, and it's a great compliment to the men and women who work at the airlines to keep the system moving as scheduled. But one can't deny that many Americans are frustrated. One of my constituents sat on the tarmac for three hours before her flight was canceled and couldn't board another flight until the next day.

Mr. Chair, the American people deserve better. They've paid their hard-earned money to fly on a plane, so they should get to their destination without serious problems.

My provision in H.R. 915 will add an important layer of protection by requiring the Department of Transportation to investigate consumer complaints for a broad range of issues, including flight cancellations, overbooking, lost baggage, ticket refund problems, and incorrect or incomplete fare information.

My provision won't try to reinvent the wheel. The Department of Transportation already operates a division that handles airline consumer complaints with authority to issue warnings and fines.

What I am proposing is a simple expansion of the division so that they have the authority and resources to investigate a wide range of legitimate consumer grievances. I think that's a fair and reasonable response to the overwhelming problems the American people have endured.

As we move forward to conference with the Senate, I also want to emphasize the important safety measures in this legislation.

Proper safety begins with having enough inspectors on the ground. This is a continuing concern at a general aviation airport in my district, where inspectors are not based at the airport, and random and scheduled inspections don't seem to meet the airport's needs.

Fortunately, H.R. 915 will provide a much needed boost in the number of safety inspectors to ensure that every plane in the sky has been thoroughly cleared for takeoff.

This legislation will also hold the FAA accountable to the highest safety standards possible. Over the last several years, the FAA unfortunately had wavered from their core mission by treating the airlines, and not the American public, as its customers. The results were serious safety lapses. In the worst case, Southwest was allowed to fly 117 of its planes in violation of mandatory safety checks.

H.R. 915 will create an independent whistleblower investigation office to help serve as a watchdog, and it will close the revolving door between FAA officials and the airline industry. Make no mistake: the buddy system between FAA and the airlines must end.

Finally, I am pleased that both Congress and the Obama Administration are reaffirming our commitment to the dedicated men and women who operate our air traffic control towers. Staffing shortages at many towers are at a critical mass, forcing controllers to work longer hours and potentially exposing them to dangerous levels of fatigue.

We must turn the page on the old way of treating our air traffic controllers and end the standoff between them and the FAA. Central to this will be a collective bargaining agreement that's fair and worthy of the men and women who keep our skies safe.

I am hopeful that the current negotiations ordered by Secretary LaHood will be fruitful. But if not, the binding arbitration process set up in this bill will be important. I participated in numerous arbitration hearings as an attorney, and I believe this strategy will be a smart way forward to a new collective bargaining agreement.

For these reasons, I urge my colleagues to support H.R. 915.

Mrs. BLACKBURN. Mr. Chairman, I rise in opposition to H.R. 915. The legislation before the House today detrimentally impacts American job creation, and will further exacerbate the federal deficit during an economic downturn. Both effects of the legislation are inexcusable while Americans strive to cope with

difficult economic times, and I urge my colleagues to defeat the bill when it is considered later this afternoon.

The legislation includes two provisions that if adopted, will almost certainly lead to job loss and the prevention of economic expansion for successful American corporations. Primarily, H.R. 915 rewrites modern aviation labor law by requiring FedEx Express employees to organize under the National Labor Relations Act (NLRA) rather than the Railway Labor Act (RLA). Organization under the RLA allows for a symbiotic and prosperous relationship between FedEx Express management and its employees, and has been a successful organizing tool for both since 1971.

Amending current law to force FedEx Express employees under the auspices of the RLA will almost certainly disrupt the company's plans for economic expansion. According to FedEx, the change in law would threaten ''FedEx's ability to provide competitively priced shipping options and ready access to global markets.'' Both of these elements are critical to the company's growth over the past 38 years, and would be detrimentally altered by the legislation before the House today.

Furthermore, H.R. 915 would terminate airline code-share alliance agreements between airlines and the U.S. Government after three years. In so doing the legislation will disrupt antitrust protection that is considered critical by the airline industry, and threaten at least 15,000 domestic airline jobs.

Finally, the legislation authorizes an $84 billion outlay from a federal budget already stretched thin by trillions of dollars in deficit spending. This massive spending increase impacts both mandatory and discretionary spending, and will only add to the credit card tab mounting at an astonishing pace in only five months of unified Democrat leadership.

I urge my colleagues to oppose H.R. 915.

Ms. JACKSON-LEE of Texas, Mr. Chair, I rise today in support of H.R. 915, the Federal Aviation Administration (FAA) Reauthorization Act of 2009. I also want to thank Chairman OBERSTAR and the Committee on Transportation and Infrastructure as they continue to mire in the details of our national transportation projects. They face not only the reauthorization of the FAA but also reauthorization of SAFETEA–LU and other major legislation in the areas of transportation—I look forward to working with them on the many projects going on in Texas and my district of Houston.

Mr. Chairman, as the Subcommittee chair for Transportation Security and Infrastructure protection, with jurisdiction over TSA; I am pleased to see that this Act authorizes $70 Action for the FAA through FY 2012.

FUNDING 'GUARANTEES'

Mr. Chair, this legislation amends current law that ''guarantees'' the availability of funding in the Airport and Airway Trust Fund by requiring that the total budget resources available from the trust fund are equal to the level of estimated receipts, plus interest. The uncommitted cash balance in the trust fund has declined substantially in recent years due to over-optimistic revenue projections. This allows not only the committee but the Agency to ensure committed projects get the funding they need. This legislation also:

Provides for the robust capital funding required to modernize the Air Traffic Control system, as well as to stabilize and strengthen the Airport and Airway Trust Fund. It includes $16.2 Action for the Airport Improvement Program, and $39.3 Action for FAA Operations. It also provides significant increases in funding for smaller airports.

Provides $13.4 Action for air traffic control including for accelerating the implementation of the Next Generation Air Transportation System, enabling FAA to repair and replace existing facilities and equipment, and implementing high-priority safety-related systems.

Includes a fiscally responsible increase in the general aviation jet fuel tax rate in order to modernize air traffic control.

Increases the maximum Passenger Facility Charge to $7.00 from $4.50 to combat inflation and to help airports meet increased capital needs. Based on the needs of the airport, local governments and airport authorities decide on these fees, which could raise an additional $1.1 Action for airport modernization to help fill the gap left by the federal program.

Creates an independent Aviation Safety Whistleblower Investigation Office within the FAA; also mandates a two-year ''post-service'' cooling off period after FAA inspectors leave FAA, during which they cannot go work for the airline that they were previously responsible for overseeing.

Requires the FAA to submit a strategic runway safety plan to Congress.

Requires the FAA to contract with the National Academy of Sciences to conduct a study on pilot fatigue, and update, where appropriate, its regulations regarding flight and duty time requirements for pilots.

Requires airlines and airports to have emergency contingency plans to take care of passengers who are involved in long onboard tarmac delays, including plans on deplaning after a lengthy delay. These plans must account for the provision of food, water, clean restrooms and medical care for passengers. DOT can fine those who fail to develop or comply with these plans.

This bill will not impede ongoing alliances such as United Airlines and Continental Airlines by any Antitrust provisions in the bill. This is an important alliance to keep U.S. Airlines competitive.

Directs the FAA to meet with air carriers, if flights exceed FAA's maximum arrival/departure rates and are adversely impacting the airspace, to ensure flight schedule reductions.

In 2005 the FAA, Texas Airports Development Office selected the Houston Airport System (HAS) as Airport of the Year. The Texas Airports Development Office makes a selection of the outstanding primary-commercial service airport each year. There are twenty-six primary-commercial service airports in the state of Texas—each enplaning in excess of 10,000 passengers annually. I believe the Houston Airport System can achieve this again next year.

As Members of Congress, we are continually flying back and forth from our District offices to Washington, DC. As a subcommittee Chair responsible for TSA and Transportation Security I pay particular attention to the safety of the employees and the public in our airports. I believe this Act will improve both of these issues. Mr. Chair, I proudly support this reauthorization Act for what it does to support transportation and aviation safety goals for our nation.

Mr. GORDON of Tennessee. Mr. Chair, I rise today in support of the ''FAA Reauthorization Act of 2009''. The bill that is before us represents Congress working together on a bipartisan basis across committee boundaries to meet the needs of the American people. I am pleased that the base text of H.R. 915 includes the updated set of provisions of H.R. 2698, the ''Federal Aviation Research and Development Reauthorization Act of 2007'', which was passed unanimously by the Science and Technology Committee in the 110th Congress.

I appreciate the leadership of Transportation and Infrastructure Committee Chairman JIM OBERSTAR and Aviation Subcommittee Chairman JERRY COSTELLO and their willingness to work with my committee to ensure that our provisions were included so that we can present this House with a comprehensive piece of legislation. I also want to express my appreciation to Transportation and Infrastructure Committee Ranking Member JOHN MICA and Aviation Subcommittee Ranking Member TOM PETRI. In addition, none of this would have been possible without the support and cooperation of Ranking Member RALPH HALL. I feel that our work together across party lines and across committee jurIsdictions is in many ways a model of how committees should cooperate to move important legislation.

Mr. Chair, in view of the limited time, I will not dwell on the many good provisions included in this bill. I would simply assure my colleagues that this legislation authorizes funding in sections 102 and 104 for a number of important R&D programs related to improving safety, reducing noise and other environmental impacts, and increasing the efficiency of the air transportation system. In addition, the bill establishes important new research initiatives on the impact of aviation on the climate, research on runway materials and engineered materials restraining systems, and aviation gas, as well as calling for independent assessments of FAA's safety R&D programs and its energy and environmental R&D programs.

This legislation also incorporates provisions intended to ensure that the Next Generation Air Transportation System [NextGen] initiative succeeds. Everyone recognizes that changes are needed to our air transportation system. Thus this bill includes measures to address the needs of the NextGen system, including strengthening both the authority and the accountability of the NextGen Joint Planning and Development Office—JPDO—because the success or failure of NextGen is going to determine in large measure whether or not the nation will have a safe and efficient air traffic management system in the future.

However, it is clear that FAA cannot ensure the successful development of the nation's future air transportation system on its own. As the establishment of the interagency JPDO by Congress in the Vision 100 Act indicates, it is going to take the combined efforts of multiple federal agencies, working in partnership with industry and the academic community, to make the NextGen initiative a success. NASA, in particular, has an important R&D role to play, and that is something that the Science and Technology Committee will devote attention to as we work on reauthorizing NASA in this Congress.

For now, however, our focus is on the FAA, and I think that H.R. 915 is a good bill that will

help ensure that America's aviation system remains safe and preeminent in the world. I support the bill, as well as the manager's amendment that will be offered by Chairman OBERSTAR that contains several provisions in the jurisdiction of the Science and Technology Committee.

I urge my colleagues to support H.R. 915.

Mr. TIBERI. Mr. Chair, I rise today to express my support for the provisions in this bill that would establish a fair process for addressing contract disputes between the FAA and our country's air traffic controllers.

Air traffic controllers ensure the safety of air passengers every day. I thank the air traffic controllers in my Central Ohio district, across Ohio and across the country for their hard work and dedication to keeping our skies safe.

In 2006, I cosponsored legislation that would have required the contract dispute between the FAA and the Air Traffic Controllers Association to be submitted to binding arbitration if the two parties did not reach an agreement. Unfortunately, this did not happen.

The provisions in H.R. 915 are a good start and I rise in support of them today.

Ms. HARMAN. Mr. Chair, I rise in support of Chairman OBERSTAR and this important legislation—and to address provisions that relate to staffing air traffic control towers.

Safety is the most crucial and fundamental feature of America's aviation system. Experience is a huge component of safety. This was demonstrated by the heroic landing by Captain Sullenberger on the Hudson River this past January. It was also demonstrated by air traffic controllers on 9/11, when the national aviation system was shut down and they landed all planes across the country safely.

In this decade, we have seen a significant increase in the number of air traffic controllers retiring. As a result, there has been a need to hire and train new air traffic controllers. Our aviation system has been forced to hire a very large number of new controllers very quickly—no small feat, given the high level of skill and training necessary to do the job. But we can't cut corners with filling crucial positions. I have concerns because the FAA counts controllers who are still training and not fully certified as staff when determining if an air traffic facility is fully staffed.

According to the FAA's ''A Plan for the Future 10-year Strategy for the Air Traffic Control Workforce 2009–2018,'' Appendix A states ''These (staffing) ranges include the number of controllers needed to perform the work. While most of the work is accomplished by CPCs, work is also being performed in facilities by CPC–ITs and position-qualified developments who are proficient, or ''checked out'', in specific sectors or positions and handles workload independently.'' For the clarification, CPCs are certified professional controllers and CPC–ITs are certified professional controllers in training, those that transferred from other facilities, and developmentals are new hires.

Trainees are used in the airport in my district, Los Angeles International Airport (LAX)—the fourth busiest airport tower in the United States. According to an April 2009 Department of Transportation Inspector General report: ''As of December 2008 . . . 20 percent of LAX's controller workforce was in training.'' Trainees lack the same amount of experience as certified controllers, and these skills should not be learned on the job. We need to ensure that safety is not compromised at LAX and at other towers across the country.

That is why I support sections, 607, ''FAA Air Traffic Controller Staffing'' and 608, ''Assessment of Training Programs for Air Traffic Controllers.''

Section 607 authorizes a National Academy of Sciences study on FAA's assumptions and methods to determine staffing needs for air traffic controllers. Section 608 authorizes a study by the FAA to assess the adequacy of training programs for air traffic controllers.

These studies will provide us with information to determine if we have enough experienced air controllers staffing our aviation system. If we don't, we must ensure that only those with the training and experience necessary keep the flying public safe and fill these positions. I want to thank Chairman OBERSTAR for his leadership on this legislation and for including these important provisions in the bill.

Mr. ORTIZ. Mr. Chair, I rise to support my colleague from Texas.

With the continuing emphasis on renewable energy programs as part of our national energy policy, it is unavoidable that we will have situations where FAA radars and renewable energy facilities, especially wind turbines, will compete for prime locations.

This amendment gives the FAA the executive direction necessary to address these situations.

Under our amendment, the FAA is directed to study their radar facilities and review conflicts with renewable energy facilities. To mitigate these situations, the Administrator is directed to develop an administrative process for relocating radar facilities when it is appropriate and necessary.

I ask my colleagues to support this amendment.

Mr. LIPINSKI. Mr. Chair, I rise in strong support of H.R. 915, the FAA Reauthorization Act of 2009. I would like to commend Chairman OBERSTAR and Chairman COSTELLO for their excellent leadership on this bill and for their continued dedicated service on transportation issues.

H.R. 915 contains a number of critical provisions that will not only upgrade and modernize our nation's air transportation system, but will significantly enhance and expand protections for consumers and the environment.

As a member of the Transportation Subcommittee on Aviation, I was especially pleased to work with the Chairmen and others to write a number of these pro-consumer/pro-environment provisions, which include: holding airlines more accountable for delayed passenger bags, requiring airports to consider implementing recycling programs, establishing a federal research center to develop alternative jet fuels, funding research to eliminate the use of lead in aviation gas, and requiring an open, competitive process for airport projects with the use of QBS.

Additionally, I am pleased the bill will take a close look at the impact of airline antitrust immunity on competition and then require DOT to adjust its existing policies accordingly.

Mr. Chair, this long overdue bill will ensure that America's air transportation system remains the finest and safest in the world. And I am proud to have been able to work on and include provisions that will protect passengers, taxpayers, and the environment.

I would again like to thank Chairman OBERSTAR and Chairman COSTELLO for their hard work on this legislation and urge my colleagues to join me in voting for its passage.

Mr. CARNAHAN. Mr. Chair, as a Congressman from St. Louis a major aviation hub and a member of the Aviation Subcommittee, I rise today in strong support of the FAA Reauthorization.

Thanks to Chairmen OBERSTAR and COSTELLO for their leadership and dedication to bring this bill to the floor again.

A long term reauthorization of the FAA is long overdue. We need a four year reauthorization to provide stability to airport development projects and modernizing the aging air traffic control system.

This legislation authorizes nearly $70 billion in needed investments in FAA programs over the next four years to help meet the growing demand on our system. The Federal Aviation Administration estimates over the next seven to twelve years our airlines will carry more than one billion passengers. Without expanded capacity airports will not be able to serve the increases in passengers.

Airport capital investment is critical to accommodate growth and improve service. As you all know passenger facility charges are critical to funding these projects. Additionally, this legislation will increase the cap on passenger facility charges from $4.50 to $7.00. This increase would generate $1.1 billion in additional revenue for airport development annually.

I am pleased to see a significant increase in the Airport Improvement Program. Over the four year life of the bill's authorization this amounts to an additional $1 billion in authorized funds for AIP. This increase in funding will be especially helpful to airports, like Lambert St. Louis International Airport, that are especially reliant on AIP funding. Also, critical to handling the expected increases in the number of passengers is modernizing our air transportation system.

The FAA Reauthorization includes $13.4 billion for FAA Facilities and Equipment to accelerate the implementation of Next Generation Air Transportation System to modernize our air transportation system.

Again, thank you for the time and I urge my colleagues to support this transformational FAA Reauthorization.

Mr. GARRETT of New Jersey. Mr. Chair, I rise today to express my disappointment with this legislation, the FAA Reauthorization Act of 2009. For many years now, I have fought the FAA on their so-called New York/New Jersey/Philadelphia airspace redesign plan. This plan would redirect thousands of flights per year over the houses of many of my constituents. This increased aircraft noise affects people's daily lives in many ways. It is more than a nuisance. Aircraft noise can adversely affect children in schools; the elderly in nursing facilities; and families in their homes. Additionally, these homes may decrease in value as a result of this aircraft noise.

Proponents of the airspace redesign have long maintained that it is necessary to redesign the airspace because a significant portion of the delays in our national airspace derive from the tri-state area. We have long maintained that redesigning the airspace would have very little effect on delays but would adversely affect the lives of thousands of people.

Yesterday, I, along with Congressmen JIM HIMES and RODNEY FRELINGHUYSEN submitted an amendment to the Rules Committee. This amendment would have prohibited the FAA from continuing with its implementation of the

airspace redesign until it conducted a study on alternatives to reduce delays at the four airports considered in the redesign; including studying whether reducing overscheduling and the use of smaller aircraft by air carriers would have a greater effect on reducing delays than the redesign. In 2007, the Port Authority of New York and New Jersey, who operate 3 of the major airports included in the redesign submitted a proposal to the FAA with many of these suggestions, but the FAA largely ignored it. This was a sensible amendment, but unfortunately it will not be considered today. Furthermore, an amendment offered by Congressman JOE SESTAK, which would have stopped the redesign's implementation until the FAA conducted a cost-benefit analysis—something recommended by the GAO, mind you—will also not be considered today.

Mr. Chair, it is imperative that the FAA take seriously the concerns of those people on the ground who are affected by their actions. I urge a ''no'' vote.

Mr. BOCCIERI. Mr. Chair, I rise today in support of this bill, HR 915. I specifically support provisions in the bill which will require FAA inspectors to monitor overseas stations that repair U.S. aircraft.

Over the years, U.S. airlines have steadily increased outsourcing of maintenance work performed at facilities here and abroad. According to the Department of Transportation IG, major air carriers outsourced an average of 64 percent of their maintenance expenses in 2007 compared to 37 percent in 1996.

In order to uphold the highest safety standards at all FAA-certified facilities, FAA inspectors must be permitted to physically inspect foreign repair stations every two years. The FAA must hold foreign repair stations and their workers to the same safety standards as those imposed on domestic repair stations. There is simply no substitute for direct FAA oversight of work performed on U.S. aircraft. Our government should not be outsourcing safety inspections to foreign governments.

Opponents of Section 303 also claim that requiring two FAA inspections per year will cause the EU to retaliate by conducting reciprocal twice-a-year inspections of EASA-certified U.S. stations. But this is a matter of public safety.

The U.S. has an obligation to ensure that FAA-certified repair stations meet U.S. standards, and we cannot abrogate this responsibility based on threats of retaliation from foreign governments looking to protect their own economic interests.

Mr. MACK. Mr. Chair, I rise today to speak about the FAA Reauthorization bill. First, I want to thank Chairman OBERSTAR and Ranking Member MICA for their leadership and continued work on this legislation. While we need to pass a long-term FAA reauthorization bill, I am opposed to this bill in its current form.

I have significant concerns with the tax hikes, new government regulations, and massive giveaways to Big Labor included in the bill. This legislation will significantly raise the cost of air travel, through a proposed Passenger Facility Charge or ''PFC'' tax increase. The increase, from $4.50 to $7 per passenger, is a 56 percent tax hike and will result in all of our constituents paying an additional two billion dollars annually. In addition to the PFC tax hike, this legislation would also raise taxes on general aviation gasoline and jet fuel. Mr. Chair, I can't reiterate it enough: we cannot keep raising taxes on the American people!

In addition to raising taxes and fees, this bill overturns the Air Traffic Control Agreement, which will cost tax payers more than a billion dollars and forces the FAA into a more expensive union contract.

Mr. Chair, we are at a critical juncture in revamping our air traffic control system. This bill does not go far enough to expedite investment in NextGen technology. We must create an environment that modernizes and updates our air traffic control system, increases efficiencies, and ensures safety in our nation's skies. But hiking taxes on hard working Americans and more union giveaways does nothing to promote these goals. Mr. Chair, I urge my colleagues to vote against this legislation.

Mr. SALAZAR. Mr. Chair, I thank the Gentleman from New York for yielding and I would like to recognize Chairman OBERSTAR and Chairman COSTELLO for their exceptional leadership on this very important bill.

Mr. Chair, I rise today in strong support of H.R. 915, the FAA Reauthorization Act of 2009, and urge its passage.

There are many good and important issues addressed in this bill: safety, nextgen, consumer protections, and increased funding to the Airport Improvement Program.

But I'd like to especially thank the leadership on the committee for working with me on several issues that are particularly important to my constituents back home.

H.R. 915 provides increased funding to local governments throughout the country to maintain and develop their airports, which serve as cornerstones for economic growth.

As many of us come from and represent small, rural communities, we appreciate the need to preserve and improve rural aviation programs, such as Essential Air Service.

EAS serves rural communities across the country that otherwise would not receive any scheduled air service.

There are more than 140 rural communities nationwide, including Cortez, Alamosa and Pueblo in my state of Colorado, that rely on this program and will benefit from this legislation.

And I again want to thank the Chairman for working with me to ensure our EMS flights meet the highest safety standards.

Overall, I'm pleased to see the improvements made in this bill and I hope the Senate will follow our lead and move this important piece of legislation.

I believe H.R. 915 ensures that we remain the world's safest aviation system, and I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Chair, I would like to thank the Chairman for accepting an amendment I have offered regarding the need for the FAA to take meaningful action to address safety concerns at Santa Monica Airport. I appreciate the Committee's ongoing interest in addressing this serious issue.

Santa Monica Airport is a unique General Aviation facility located in my congressional district. Built in 1922, the airport has no runway safety areas, which are now required by the FAA to reduce damage and loss of life in the event that an aircraft overshoots the runway or fails to lift off. The airport's single runway is bordered by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet from the runway. As flight traffic at the airport has increased, particularly among larger jets, so have concerns that any plane overshooting the runway would be at great risk of landing in the neighborhood.

For nearly a decade, I have joined the community, the City of Santa Monica and the Airport Administration to push the FAA to address this serious safety gap. While the FAA has had discussions with the City, its response has at times been marked by delay and unfortunate acts of bad faith. Its proposals have simply fallen short of addressing the safety needs of the airport. Some proposed changes could seriously undermine emergency response capability at the airport, while others would be insufficient to stop a larger jet from an overrun into the surrounding streets and homes.

My constituents and the crews and passengers that use Santa Monica Airport deserve to have the confidence that airport operations meet FAA safety guidelines and go beyond the barest minimum enhancements previously offered by the FAA. The amendment expresses the sense of Congress that the incoming Administrator of the FAA should take a fresh look at this issue. I urge the new Administrator, once confirmed, to swiftly enter into good faith discussions with the City of Santa Monica to achieve runway safety area solutions consistent with FAA design guidelines to address the safety concerns at Santa Monica Airport. When safety is at stake, time is always of the essence.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak in support of H.R. 915, the Federal Aviation Administration Reauthorization Act. This bill provides historic levels of funding for FAA's critical work to improve safety, invest in our nation's airports, and modernize our air transportation system.

H.R. 915 will help accelerate the implementation of FAA's Air Traffic Control Modernization and Next Generation Air Transportation System. NextGen will increase the capacity and efficiency of our national air transportation system, which will help accommodate expected increases in air traffic. H.R. 915 also increases oversight of NextGen and mandates that FAA develop a detailed plan for how they will deliver results for the airline industry and the flying public.

This legislation invests in our nation's airports by providing $16.2 billion for the Airport Improvement Program. This historic funding level also includes a significant increase in AIP funding for smaller airports, like many in my district. H.R. 915 also makes critical improvements in aviation safety, including strong air carrier safety oversight provisions and an increase in the number of aviation safety inspectors.

I commend Chairmen OBERSTAR and COSTELLO for addressing the ongoing dispute between the National Air Traffic Controllers Association and the FAA over failed contract negotiations by establishing a binding dispute resolution process and requiring the parties to go back to the negotiating table.

The bill also fixes a long-standing disparity in the way employees of express delivery companies are treated under our nation's labor laws. This provision will help restore collective bargaining rights to this critical workforce.

This legislation is not perfect, but it makes critical improvements to our nation's air transportation system to create jobs and strengthen our economy. I urge my colleagues to support this bill.

Mr. TANNER. Mr. Chair, I rise today to thank Chairman OBERSTAR and Ranking Member MICA for bringing the FAA Reauthorization bill to the floor today. For the most part I am supportive of their efforts; however, I must express concern with a provision in this bill that would change the labor status of the employees of FedEx, a company based in Memphis, Tennessee, and important to our regional economy.

FedEx has been covered by provisions of the Railroad Labor Act for decades. I am disappointed that this legislation attempts to overturn these years of legislative and legal precedent by now putting FedEx under the National Labor Relations Act. FedEx was founded in 1973, and every court and agency to address the issue since then has found FedEx to be subject to the RLA, because national labor and transportation policy mandates that integrated, multi-modal transportation networks be subject to the processes of the RLA.

I do hope the Committee will consider my views and the views of those I represent in Tennessee, who depend on FedEx staying competitive. Because of the adverse effects this provision would have, I urge House conferees to eliminate this provision during its conference with the Senate. These provisions, which I oppose, should stand alone in separate legislation so all parties can come to the table and offer their ideas and concerns.

Mr Chair, the complexity of this issue requires further debate from all parties affected.

The CHAIR. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Transportation and Infrastructure, printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 111–126, modified by the amendment printed in part B of that report, shall be considered as adopted and shall be considered as an original bill for purpose of further amendment under the 5-minute rule and shall be considered as read.

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. FAA operations.
Sec. 104. Research, engineering, and development.
Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.
Sec. 112. PFC eligibility for bicycle storage.
Sec. 113. Award of architectural and engineering contracts for airside projects.
Sec. 114. Intermodal ground access project pilot program.
Sec. 115. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.
Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.
Sec. 132. Solid waste recycling plans.
Sec. 133. Amendments to grant assurances.
Sec. 134. Government share of project costs.
Sec. 135. Amendments to allowable costs.
Sec. 136. Uniform certification training for airport concessions under disadvantaged business enterprise program.
Sec. 137. Preference for small business concerns owned and controlled by disabled veterans.
Sec. 138. Minority and disadvantaged business participation.
Sec. 139. Calculation of State apportionment fund.
Sec. 140. Reducing apportionments.
Sec. 141. Minimum amount for discretionary fund.
Sec. 142. Marshall Islands, Micronesia, and Palau.
Sec. 143. Use of apportioned amounts.
Sec. 144. Sale of private airport to public sponsor.
Sec. 145. Airport privatization pilot program.
Sec. 146. Airport security program.
Sec. 147. Sunset of pilot program for purchase of airport development rights.
Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.
Sec. 150. Midway Island Airport.
Sec. 151. Puerto Rico minimum guarantee.
Sec. 152. Miscellaneous amendments.
Sec. 153. Airport Master Plans.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

Sec. 201. Mission statement; sense of Congress.
Sec. 202. Next Generation Air Transportation System Joint Planning and Development Office.
Sec. 203. Next Generation Air Transportation Senior Policy Committee.
Sec. 204. Automatic dependent surveillance-broadcast services.
Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.
Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.
Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.
Sec. 208. DOT inspector general review of operational and approach procedures by a third party.
Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.
Sec. 210. NextGen technology testbed.
Sec. 211. Clarification of authority to enter into reimbursable agreements.
Sec. 212. Definition of air navigation facility.
Sec. 213. Improved management of property inventory.
Sec. 214. Clarification to acquisition reform authority.
Sec. 215. Assistance to foreign aviation authorities.
Sec. 216. Front line manager staffing.
Sec. 217. Flight service stations.
Sec. 218. NextGen Research and Development Center of Excellence.
Sec. 219. Airspace redesign.

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Judicial review of denial of airman certificates.
Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 303. Inspection of foreign repair stations.
Sec. 304. Runway safety.
Sec. 305. Improved pilot licenses.
Sec. 306. Flight crew fatigue.
Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.
Sec. 308. Aircraft surveillance in mountainous areas.
Sec. 309. Off-airport, low-altitude aircraft weather observation technology.
Sec. 310. Noncertificated maintenance providers.
Sec. 311. Aircraft rescue and firefighting standards.

Subtitle B—Unmanned Aircraft Systems

Sec. 321. Commercial unmanned aircraft systems integration plan.
Sec. 322. Special rules for certain unmanned aircraft systems.
Sec. 323. Public unmanned aircraft systems.
Sec. 324. Definitions.

Subtitle C—Safety and Protections

Sec. 331. Aviation safety whistleblower investigation office.
Sec. 332. Modification of customer service initiative.
Sec. 333. Post-employment restrictions for flight standards inspectors.
Sec. 334. Assignment of principal supervisory inspectors.
Sec. 335. Headquarters review of air transportation oversight system database.
Sec. 336. Improved voluntary disclosure reporting system.

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Monthly air carrier reports.
Sec. 402. Flight operations at Reagan National Airport.
Sec. 403. EAS contract guidelines.
Sec. 404. Essential air service reform.
Sec. 405. Small community air service.
Sec. 406. Air passenger service improvements.
Sec. 407. Contents of competition plans.
Sec. 408. Extension of competitive access reports.
Sec. 409. Contract tower program.
Sec. 410. Airfares for members of the Armed Forces.
Sec. 411. Repeal of essential air service local participation program.
Sec. 412. Adjustment to subsidy cap to reflect increased fuel costs.
Sec. 413. Notice to communities prior to termination of eligibility for subsidized essential air service.
Sec. 414. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.
Sec. 415. Office of Rural Aviation.
Sec. 416. Adjustments to compensation for significantly increased costs.
Sec. 417. Review of air carrier flight delays, cancellations, and associated causes.
Sec. 418. European Union rules for passenger rights.

Sec. 419. Establishment of advisory committee for aviation consumer protection.
Sec. 420. Denied boarding compensation.
Sec. 421. Compensation for delayed baggage.
Sec. 422. Schedule reduction.
Sec. 423. Expansion of DOT airline consumer complaint investigations.
Sec. 424. Prohibitions against voice communications using mobile communications devices on scheduled flights.
Sec. 425. Antitrust exemptions.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

Sec. 501. Amendments to air tour management program.
Sec. 502. State block grant program.
Sec. 503. Airport funding of special studies or reviews.
Sec. 504. Grant eligibility for assessment of flight procedures.
Sec. 505. CLEEN research, development, and implementation partnership.
Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
Sec. 507. Environmental mitigation pilot program.
Sec. 508. Aircraft departure queue management pilot program.
Sec. 509. High performance and sustainable air traffic control facilities.
Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.
Sec. 511. Continuation of air quality sampling.
Sec. 512. Sense of Congress.
Sec. 513. Airport noise compatibility planning study, Port Authority of New York and New Jersey.
Sec. 514. GAO study on compliance with FAA record of decision.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

Sec. 601. Federal Aviation Administration personnel management system.
Sec. 602. Applicability of back pay requirements.
Sec. 603. MSPB remedial authority for FAA employees.
Sec. 604. FAA technical training and staffing.
Sec. 605. Designee program.
Sec. 606. Staffing model for aviation safety inspectors.
Sec. 607. Safety critical staffing.
Sec. 608. FAA air traffic controller staffing.
Sec. 609. Assessment of training programs for air traffic controllers.
Sec. 610. Collegiate training initiative study.
Sec. 611. FAA Task Force on Air Traffic Control Facility Conditions.

TITLE VII—AVIATION INSURANCE

Sec. 701. General authority.
Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
Sec. 703. Clarification of reinsurance authority.
Sec. 704. Use of independent claims adjusters.
Sec. 705. Extension of program authority.

TITLE VIII—MISCELLANEOUS

Sec. 801. Air carrier citizenship.
Sec. 802. Disclosure of data to Federal agencies in interest of national security.
Sec. 803. FAA access to criminal history records and database systems.
Sec. 804. Clarification of air carrier fee disputes.
Sec. 805. Study on national plan of integrated airport systems.
Sec. 806. Express carrier employee protection.
Sec. 807. Consolidation and realignment of FAA facilities.
Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.
Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
Sec. 810. Lost Nation Airport, Ohio.
Sec. 811. Pollock Municipal Airport, Louisiana.
Sec. 812. Human intervention and motivation study program.
Sec. 813. Washington, DC, Air Defense Identification Zone.
Sec. 814. Merrill Field Airport, Anchorage, Alaska.
Sec. 815. 1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.
Sec. 816. Duty periods and flight time limitations applicable to flight crewmembers.
Sec. 817. Pilot program for redevelopment of airport properties.
Sec. 818. Helicopter operations over Long Island and Staten Island, New York.
Sec. 819. Cabin temperature standards study.
Sec. 820. Civil penalties technical amendments.
Sec. 821. Study and report on alleviating congestion.
Sec. 822. Airline personnel training enhancement.
Sec. 823. Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.
Sec. 824. Wind turbine lighting.
Sec. 825. Limiting access to flight decks of all-cargo aircraft.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

Sec. 901. Short title.
Sec. 902. Definitions.
Sec. 903. Interagency research initiative on the impact of aviation on the climate.
Sec. 904. Research program on runways.
Sec. 905. Research on design for certification.
Sec. 906. Centers of excellence.
Sec. 907. Airport cooperative research program.
Sec. 908. Unmanned aircraft systems.
Sec. 909. Research grants program involving undergraduate students.
Sec. 910. Aviation gas research and development program.
Sec. 911. Review of FAA's Energy- and Environment-Related Research Programs.
Sec. 912. Review of FAA's aviation safety-related research programs.
Sec. 913. Research program on alternative jet fuel technology for civil aircraft.
Sec. 914. Center for excellence in aviation employment.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 2003'' and inserting ''September 30, 2008''; and

(2) by striking paragraphs (1) through (6) and inserting the following:

''(1) $3,900,000,000 for fiscal year 2009;

''(2) $4,000,000,000 for fiscal year 2010;

''(3) $4,100,000,000 for fiscal year 2011; and

''(4) $4,200,000,000 for fiscal year 2012.''.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking ''The total amounts'' and inserting ''(a) AVAILABILITY OF AMOUNTS.—The total amounts''; and

(2) by adding at the end the following:

''(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), $15,000,000 for each of fiscal years 2009 through 2012 may be used for carrying out the Airport Cooperative Research Program.

''(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), $19,348,000 for each of fiscal years 2009 through 2012 may be used for carrying out airports technology research.''.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''March 31, 2009'' and inserting ''September 30, 2012''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,246,000,000 for fiscal year 2009.

''(2) $3,259,000,000 for fiscal year 2010.

''(3) $3,353,000,000 for fiscal year 2011.

''(4) $3,506,000,000 for fiscal year 2012.''.

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

''(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2009 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

''(d) WEATHER HAZARDS.—

''(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2009 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

''(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

''(A) ground-based icing threats such as ice pellets and freezing drizzle;

''(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

''(C) en route turbulence prediction.

''(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2009 through 2012 may be used to advance the development and implementation of safety management systems.

''(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, $12,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

''(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $50,000,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $100,000,000 for 2011, and $50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

''(h) NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.—Of amounts appropriated under subsection (a), $41,400,000 for fiscal year 2009, $102,900,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

''(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), $28,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011, and $30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

''(j) CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.—Of amounts appropriated under subsection (a), $76,000,000 for fiscal year 2009, $79,000,000 for fiscal year 2010, $79,000,000 for fiscal year 2011, and $80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

''(k) ADDITIONAL PROGRAMS.—Of amounts appropriated under subsection (a), $21,900,000 for fiscal year 2009, $22,500,000 for fiscal year 2010, $22,500,000 for fiscal year 2011, and $22,500,000 for fiscal year 2012 may be used for—

''(1) system capacity, planning, and improvement;

''(2) operations concept validation;

''(3) NAS weather requirements; and

''(4) Airspace Management Lab.''.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $8,998,462,000 for fiscal year 2009;

''(B) $9,531,272,000 for fiscal year 2010;

''(C) $9,936,259,000 for fiscal year 2011; and

''(D) $10,350,155,000 for fiscal year 2012.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) Such sums as may be necessary for fiscal years 2009 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.'';

(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2009 through 2012''.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation $6,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting ''and'' at the end; and

(B) in subparagraph (L) by striking ''and'' at the end;

(2) in paragraph (12)(L) by striking ''and'' at the end; and

(3) by striking paragraph (13) and inserting the following:

''(13) for fiscal year 2009, $212,929,000, including—

''(A) $8,457,000 for fire research and safety;

''(B) $4,050,000 for propulsion and fuel systems;

''(C) $2,920,000 for advanced materials and structural safety;

''(D) $4,838,000 for atmospheric hazards and digital system safety;

''(E) $14,683,000 for aging aircraft;

''(F) $2,158,000 for aircraft catastrophic failure prevention research;

''(G) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,488,000 for aviation safety risk analysis;

''(I) $15,323,000 for air traffic control, technical operations, and human factors;

''(J) $8,395,000 for aeromedical research;

''(K) $22,336,000 for weather program;

''(L) $6,738,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,560,000 for wake turbulence;

''(O) $10,425,000 for NextGen—Air ground integration;

''(P) $8,025,000 for NextGen—Self separation;

''(Q) $8,049,000 for NextGen—Weather technology in the cockpit;

''(R) $22,939,000 for environment and energy;

''(S) $16,050,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,847,000 for system planning and resource management; and

''(U) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility;

''(14) for fiscal year 2010, $214,587,000, including—

''(A) $8,546,000 for fire research and safety;

''(B) $4,075,000 for propulsion and fuel systems;

''(C) $2,965,000 for advanced materials and structural safety;

''(D) $4,921,000 for atmospheric hazards and digital system safety;

''(E) $14,688,000 for aging aircraft;

''(F) $2,153,000 for aircraft catastrophic failure prevention research;

''(G) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,589,000 for aviation safety risk analysis;

''(I) $15,471,000 for air traffic control, technical operations, and human factors;

''(J) $8,699,000 for aeromedical research;

''(K) $23,286,000 for weather program;

''(L) $6,236,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,412,000 for wake turbulence;

''(O) $10,400,000 for NextGen—Air ground integration;

''(P) $8,000,000 for NextGen—Self separation;

''(Q) $7,567,000 for NextGen—Weather technology in the cockpit;

''(R) $20,278,000 for environment and energy;

''(S) $19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,827,000 for system planning and resource management; and

''(U) $3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

''(15) for fiscal year 2011, $225,993,000, including—

''(A) $8,815,000 for fire research and safety;

''(B) $4,150,000 for propulsion and fuel systems;

''(C) $2,975,000 for advanced materials and structural safety;

''(D) $4,949,000 for atmospheric hazards and digital system safety;

''(E) $14,903,000 for aging aircraft;

''(F) $2,181,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,497,000 for aviation safety risk analysis;

''(I) $15,715,000 for air traffic control, technical operations, and human factors;

''(J) $8,976,000 for aeromedical research;

''(K) $23,638,000 for weather program;

''(L) $6,295,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;

''(O) $10,600,000 for NextGen—Air ground integration;

''(P) $8,300,000 for NextGen—Self separation;

''(Q) $8,345,000 for NextGen—Weather technology in the cockpit;

''(R) $27,075,000 for environment and energy;

''(S) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,836,000 for system planning and resource management; and

''(U) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

''(16) for fiscal year 2012, $244,860,000, including—

''(A) $8,957,000 for fire research and safety;

''(B) $4,201,000 for propulsion and fuel systems;

''(C) $2,986,000 for advanced materials and structural safety;

''(D) $4,979,000 for atmospheric hazards and digital system safety;

''(E) $15,013,000 for aging aircraft;

''(F) $2,192,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,401,000 for aviation safety risk analysis;

''(I) $16,000,000 for air traffic control, technical operations, and human factors;

''(J) $9,267,000 for aeromedical research;

''(K) $23,800,000 for weather program;

''(L) $6,400,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;

''(O) $10,800,000 for NextGen—Air ground integration;

''(P) $8,500,000 for NextGen—Self separation;

''(Q) $8,569,000 for NextGen—Weather technology in the cockpit;

''(R) $44,409,000 for environment and energy;

''(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,840,000 for system planning and resource management; and

''(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.''.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in each of fiscal years 2009 and 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—

''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).''.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2012''.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and

(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2012''.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking ''$4.00 or $4.50'' and inserting ''$4.00, $4.50, $5.00, $6.00, or $7.00''.

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking ''**FEES**'' and inserting ''**CHARGES**'';

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:

(A) Section 47106(f)(1).

(B) Section 47110(e)(5).

(C) Section 47114(f).

(D) Section 47134(g)(1).

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

''(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.''.

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) IN GENERAL.—Section 40117(d) is amended—

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

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

''(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE COSTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

''(ii) the total number of the individuals projected to use the facility.

''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's

costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by May 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

''(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADJUSTMENTS.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

''(1) $130 for registering an aircraft.

''(2) $45 for replacing an aircraft registration.

''(3) $130 for issuing an original dealer's aircraft certificate.

''(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

''(5) $80 for issuing a special registration number.

''(6) $50 for issuing a renewal of a special registration number.

''(7) $130 for recording a security interest in an aircraft or aircraft part.

''(8) $50 for issuing an airman certificate.

''(9) $25 for issuing a replacement airman certificate.

''(10) $42 for issuing an airman medical certificate.

''(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

''(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9''; and

(2) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: '', developing an environmental management system''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less that 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) AIRPORT PLANNING.—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: '', and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.''.

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)''.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise specifically provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

''(1) is receiving subsidized air service under subchapter II of chapter 417; and

''(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.''.

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

''(iv) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction of'' before ''revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

SEC. 136. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Reauthorization Act of 2009, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (a).

SEC. 137. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 1632)) owned and controlled by disabled veterans.''.

SEC. 138. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.''.

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ADDITIONAL AMOUNT.—

''(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2), and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $150,000; or

''(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting, ''fiscal years 2008 through 2012,''.

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

(B) by striking ''and'' after ''47141,''; and

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title''; and

(2) in the second sentence by striking ''such 35 percent requirement is'' and inserting ''the requirements of the preceding sentence are''.

SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking ''65 percent'' each place it appears and inserting ''75 percent''.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting '', in consultation with the Secretary of Homeland Security,'' after ''Transportation''.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

''(b) IMPLEMENTATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

''(A) is composed of public and private persons, including an airport sponsor; and

''(B) has at least 10 years of demonstrated experience in testing and evaluating antiterrorist technologies at airports.

''(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

''(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.''.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after ''section 47109'' the following: ''or any other provision of law''.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: ''The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.''.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

''(f) SUNSET.—This section shall not be in effect after September 30, 2008.''.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''March 31, 2009'' and inserting ''September 30, 2012''.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to such section in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''October 1, 2012,''.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting ''AND PUERTO RICO'' after ''ALASKA''; and

(2) by adding at the end the following:

''(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.''.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined by section 101 of title 38) in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the Armed Forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''veterans and'' and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

(c) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

''(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1)

of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(8) by adding at the end the following:

''(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).''.

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(g) OTHER CONFORMING AMENDMENTS.—

(1) Sections 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking ''Airport Capacity Benchmark Report 2001'' and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report''.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

''(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.''.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 11,000,000 jobs in the United States and contributes approximately $741,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the ''NextGen System'') is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.''.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

''(J) working to ensure global interoperability of the Next Generation Air Transportation System;

''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.''.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking ''(4)'' and inserting ''(4)(A)''; and

(B) by adding at the end the following:

''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

''(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

''(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

''(D) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

''(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

''(B) The Director, to the maximum extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'NextGen Implementation Plan', or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking ''2010'' and inserting ''2012''.

(e) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

''(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as ''ADS-B'') technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(C) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) REVIEW.—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the ''JPDO'') in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2009 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;

''(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) buildings, equipment, and systems dedicated to the national airspace system.''.

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation'' and inserting ''compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended''.

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''public and private'' before ''foreign aviation authorities''; and

(B) by striking the period at the end of the first sentence and inserting ''or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.''; and

(2) in paragraph (3) by striking ''credited'' and all that follows through the period at the end and inserting ''credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2009 through 2012 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more

flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the ''NextGen Implementation Plan''.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2009 to 2012 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $14,500,000 for fiscal year 2009 and $20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for each of fiscal years 2009, 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.''.

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking ''Beginning 7 years after the date of enactment of this subsection,'' and inserting ''Beginning January 1, 2014,''.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

''(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year; and

''(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''44730. Inspection of foreign repair stations.''.

SEC. 304. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

(A) A survey of field operations of flight attendants.

(B) A study of incident reports regarding flight attendant fatigue.

(C) Field research on the effects of such fatigue.

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

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

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:

''§ 44731. Occupational safety and health standards for flight attendants on board aircraft

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

''(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

''(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

''(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

''(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

''(1) Record keeping.

''(2) Blood borne pathogens.

''(3) Noise.

''(4) Sanitation.

''(5) Hazard communication.

''(6) Anti-discrimination.

''(7) Access to employee exposure and medical records.

''(8) Temperature standards for the aircraft cabin.

''(d) REGULATIONS.—

''(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

''(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

''(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

''(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

''(f) OVERSIGHT.—

''(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

''(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

''(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

''(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

''(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44731. Occupational safety and health standards for flight attendants on board aircraft.''.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term ''noncertificated maintenance provider'' means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (''ARFF'') under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

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

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term ''detect, sense, and avoid capability'' means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 of title 49, United States Code, is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the ''Agency'') to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a ''vision'' of ''being responsive to our customers and accountable to the public'' and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as ''customers'' rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as ''customers'';

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the 'Agency') if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the ''Agency'') may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

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

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the ''Agency'') is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that the violation, or another violation occurring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater

extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the website of the Department of Transportation.''.

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.''.

SEC. 403. EAS CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) of title 49, United States Code, is amended by striking ''there is authorized to be appropriated $77,000,000'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund $150,000,000''.

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Section 41742(a) is amended by adding at the end the following:

''(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

''(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

''(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking ''moneys credited'' and all that follows before ''shall be used'' and inserting ''amounts made available under subsection (a)(4)(B)''; and

(B) in the second sentence by striking ''any amounts from those fees'' and inserting ''any of such amounts''.

SEC. 405. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2012''.

SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

''Sec.
''42301. Emergency contingency plans.
''42302. Consumer complaints.
''42303. Use of insecticides in passenger aircraft.

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

''(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

''(c) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

''(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

''(B) allow passengers to deplane following excessive delays; and

''(C) share facilities and make gates available at the airport in an emergency.

''(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—

''(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

''(e) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(f) APPROVAL.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

''(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

''(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

''§ 42302. Consumer complaints

''(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier; and

''(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

''(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

''(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.''.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Air Passenger Service Improvements ..... 42301''.

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 407. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '', and airfare levels'' and all that follows before the period.

SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking ''April 1, 2009'' and inserting ''September 30, 2012''.

SEC. 409. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—

(1) by striking ''(1) The Secretary'' and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary'';

(2) by adding at the end of paragraph (1) the following:

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and

(3) by striking ''(2) The Secretary'' and inserting the following:

''(2) GENERAL AUTHORITY.—The Secretary''.

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARING PROGRAM.—

(1) FUNDING.—Section 47124(b)(3)(E) is amended—

(A) by striking ''and''; and

(B) by inserting '', $8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012'' after ''2007''.

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

''(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.''.

SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 412. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) IN GENERAL.—The $200 per passenger subsidy cap initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) ADJUSTMENT OF CAP.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) LIMITATION ON ELIGIBILITY.—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.

SEC. 413. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the FAA Reauthorization Act of 2009.''.

SEC. 414. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

''(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

''(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

''(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

''(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

''(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

SEC. 415. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Office of Rural Aviation

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

''(b) FUNCTIONS.—The Office shall—

''(1) monitor the status of air service to small communities;

''(2) develop proposals to improve air service to small communities; and

''(3) carry out such other functions as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41749. Office of Rural Aviation.''.

SEC. 416. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) of title 49, United States Code, is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient—'' and inserting ''provide the carrier with compensation sufficient—''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 417. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports; and

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 418. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 419. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the ''advisory committee'') to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 420. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 421. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 422. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 423. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 424. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

''(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

''(1) IN GENERAL.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(2) EXCEPTIONS.—The prohibition described in paragraph (1) shall not apply to—

''(A) a member of the flight crew or flight attendants on an aircraft; or

''(B) a Federal law enforcement officer acting in an official capacity.

''(b) FOREIGN AIR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

''(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) FLIGHT.—The term 'flight' means the period beginning when an aircraft takes off and ending when an aircraft lands.

''(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

''(A) INCLUSIONS.—The term 'voice communications using a mobile communications device' includes voice communications using—

''(i) a commercial mobile radio service or other wireless communications device;

''(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

''(iii) a device having voice override capability.

''(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

''(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.''.

SEC. 425. ANTITRUST EXEMPTIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) ISSUES TO BE CONSIDERED.—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) SUNSET PROVISION.—

(1) IN GENERAL.—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) TIMING FOR RENEWALS.—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) STANDARDS FOR RENEWALS.—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) EXEMPTION FROM THE ANTITRUST LAWS.—The term ''exemption from the antitrust laws'' means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) IMMUNIZED INTERNATIONAL ALLIANCE.—The term ''immunized international alliance'' means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) INTERNATIONAL ALLIANCE.—The term ''international alliance'' means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park'';

(2) in subsection (a) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.'';

(3) in subsection (b) by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.'';

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

''(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.'';

(5) in subsection (c)(3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph if—

''(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.'';

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management

plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the FAA Reauthorization Act of 2009, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) supplement such analysis, as necessary, to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(C) shall remain available until expended.''.

SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

''§ 47511. CLEEN research, development, and implementation partnership

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

''(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

''(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

''(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

''(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

''(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

''(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

''(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

''(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

''(1) $20,000,000 for fiscal year 2009.

''(2) $25,000,000 for fiscal year 2010.

''(3) $33,000,000 for fiscal year 2011.

''(4) $50,000,000 for fiscal year 2012.

''(e) REPORT.—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''47511. CLEEN research, development, and implementation partnership.''.

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of emergency situations.

''(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking ''**for violating sections 47528–47530**''; and

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.'';

and

(B) by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.

The Administrator of the Federal Aviation Administration shall complete the air quality studies and analysis started pursuant to section 815 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2592), including the collection of samples of the air onboard passenger aircraft by flight attendants and the testing and analyzation of such samples for contaminants.

SEC. 512. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proposed European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

SEC. 514. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) STUDY.—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization Act of 2009); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) BINDING ARBITRATION.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

''(4) ENFORCEMENT.—

''(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

''(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.''.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) section 5596, relating to back pay.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or

unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 603. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOYEES.

Section 40122(g)(3) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, ''Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs'' (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations;

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards; and

(4) an assessment of the Administration's organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled ''Staffing Standards for Aviation Safety Inspectors'' and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

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

SEC. 607. SAFETY CRITICAL STAFFING.

(a) SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $45,000,000 for fiscal year 2010;

(2) $138,000,000 for fiscal year 2011; and

(3) $235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions'' (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the ''FCI'') for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking ''March 31, 2009'' and inserting ''September 30, 2012''; and

(2) by striking ''May 31, 2009'' and inserting ''December 31, 2019''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2019, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

''(II) the amount of any claims pending under such policies as of December 31, 2019; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking ''May 31, 2009'' and inserting ''December 31, 2012''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2019''.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

''For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.''.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

''(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) in the section heading by striking ''**air carrier**'' and inserting ''**carrier**'';

(2) in subsection (a) by striking ''(as defined in section 40102 of this title)'' and inserting ''(as such terms are defined in section 40102)'';

(3) in the heading for subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(4) in the heading for paragraph (2) of subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(5) by striking ''air carriers'' each place it appears and inserting ''air carriers or foreign air carriers'';

(6) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier''; and

(7) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-carrier disputes concerning airport fees.''.

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking ''All'' and inserting ''(a) IN GENERAL.—All'';

(2) by inserting ''and every express carrier'' after ''common carrier by air''; and

(3) by adding at the end the following:

''(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

''(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

''(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

''(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.''.

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking '', any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,''.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the ''FAA'') a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) FAA DEFINED.—In this section, the term ''FAA'' means the Federal Aviation Administration.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

''(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

''(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.''.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the ''FAA'') could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2009 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of Defense, shall submit

to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1);

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperatures of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and develop a system for the reporting of excessive temperature onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''; and

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)''; and

(B) by inserting after ''44909),'' the following: ''section 45107 or''.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) IMPACT OF WIND TURBINES ON RADAR SIGNALS.—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, andCommittee on Armed Services of the Senate.

SEC. 824. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 825. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2009''.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term ''NSF'' means the National Science Foundation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.''.

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''expiration of the program'' and inserting ''expiration of the pilot program''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2009 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2009 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2009 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the ''Center'').

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the ''Taskforce on the Future of the Aerospace Workforce'' and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Act of 2009''.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''24.1 cents''.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions of such Code are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)'', and

(ii) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(E) Section 4081(d)(2) of such Code is amended by inserting '', (a)(2)(A)(iv),'' after ''subsections (a)(2)(A)(ii)''.

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking ''gallon—'' and all that follows and inserting ''gallon after September 30, 2012''.

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(2) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(3) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking ''paragraph (4)(C) or (5)'' both places it appears and inserting ''paragraph (4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(B) Section 6427(l)(1) of such Code is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)(i)''.

(C) Section 4082(d)(2)(B) of such Code is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking ''October 1, 2009'' in the matter preceding subparagraph (A) and inserting ''October 1, 2012'', and

(ii) by inserting ''or the FAA Reauthorization Act of 2009'' before the semicolon at the end of subparagraph (A).

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking '', section 9503(c)(7),''.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.''.

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

''(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

''(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

''(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

''(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

''(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.''.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2010, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

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

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part C of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The Acting CHAIR (Mr. JACKSON of Illinois). It is now in order to consider amendment No. 1 printed in part C of House Report 111–126.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 6, strike line 18.

Page 6, line 19, strike ''(2)'' and insert ''(1)''.

Page 6, line 20, strike ''(3)'' and insert ''(2)''.

Page 6, line 21, strike ''(4)'' and insert ''(3)''.

Page 7, line 7, strike ''2009'' and insert ''2010''.

Page 7, line 12, strike ''2009'' and insert ''2010''.

Page 7, line 16, strike ''March 31'' and insert ''September 30''.

Page 7, after line 17, insert the following:

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, $305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, $102,000,000 are hereby rescinded.

Page 7, strike line 22.

Page 7, line 23, strike ''(2)'' and insert ''(1)''.

Page 7, line 24, strike ''(3)'' and insert ''(2)''.

Page 7, line 25, strike ''(4)'' and insert ''(3)''.

Page 8, line 6, strike ''2009'' and insert ''2010''.

Page 8, line 12, strike ''2009'' and insert ''2010''.

Page 9, line 9, strike ''2009'' and insert ''2010''.

Page 9, line 13, strike ''$10,000,000 for fiscal year 2009,''.

Page 9, lines 19 and 20, strike ''$50,000,000 for fiscal year 2009,''.

Page 10, line 1, strike ''$41,400,000 for fiscal year 2009,''.

Page 10, lines 6 and 7, strike ''$28,000,000 for fiscal year 2009,''.

Page 10, line 13, strike ''$76,000,000 for fiscal year 2009,''.

Page 10, lines 18 and 19, strike ''$21,900,000 for fiscal year 2009,''.

Page 11, strike line 6.

Page 11, line 7, strike ''(B)'' and insert ''(A)''.

Page 11, line 8, strike ''(C)'' and insert ''(B)''.

Page 11, line 10, strike ''(D)'' and insert ''(C)''.

Page 11, line 17, strike ''2009'' and insert ''2010''.

Page 12, line 6, strike ''2009'' and insert ''2010''.

Page 12, line 15, strike ''2009,''.

Page 13, strike line 3 and all that follows through line 19 on page 14.

Page 14, line 20, strike ''(14)'' and insert ''(13)''.

Page 16, line 12, strike ''(15)'' and insert ''(14)''.

Page 18, line 6, strike ''(16)'' and insert ''(15)''.

Page 20, lines 10 and 11, strike ''in each of fiscal years 2009 and 2010,'' and insert ''in fiscal year 2010,''.

Page 27, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:

''(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—

''(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.

''(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—

''(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged business enterprises that would be expected in the absence of discrimination;

''(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and

''(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.

''(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term 'airport concessions disadvantaged business enterprise' has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).

''(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term 'disadvantaged business enterprise' has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).''.

Page 30, line 13, strike ''May 1, 2009'' and insert ''September 1, 2009''.

Page 42, strike line 9 and all that follows through line 5 on page 44 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 44, line 15, strike ''1632'' and insert ''632''.

Page 44, strike line 17 and all that follows through line 14 on page 45 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 138. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of airports and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to

small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

Page 45, after line 14, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 139. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking ''Secretary'' and inserting ''Secretary of Transportation''; and

(2) by adding at the end the following:

''(h) MANDATORY TRAINING PROGRAM.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

''(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) or section 47107(e)(1); or

''(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

''(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than $2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (b).

Page 47, line 23 through page 48, line 1, strike ''fiscal years 2004 through 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and insert ''fiscal years 2004 through 2009,''.

Page 48, line 1, strike ''inserting,'' and insert ''inserting''.

Page 48, line 2, strike ''2008'' and insert ''2010''.

Page 53, line 6, strike ''March 31'' and insert ''September 30''.

Page 53, lines 15 through 17, strike ''for fiscal years ending before October 1, 2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and insert ''October 1, 2009,''.

Page 76, line 12, strike ''and'' at the end.

Page 76, after line 12, insert the following:

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

Page 76, line 13, strike ''(C)'' and insert ''(D)''.

Page 88, line 11, strike ''2009'' and insert ''2010''.

Page 94, line 22, strike ''2009'' and insert ''2010''.

Page 96, line 7, strike ''2009'' and insert ''2010''.

Page 96, line 13, strike ''$14,500,000 for fiscal year 2009 and''.

Page 96, line 19, strike ''2009,''.

Page 99, line 16, insert ''(a) IN GENERAL.—'' before ''Not later than''.

Page 99, line 25, strike ''and'' at the end.

Page 100, line 9, strike the first period and all that follows through the final period and insert ''; and''.

Page 100, after line 9, insert the following:

''(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

''(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement entitled ''Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety'', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

Page 115, after line 7, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 312. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44732. Helicopter air ambulance operations

''(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

''(b) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including—

''(A) mandatory training requirements, including a minimum time for completing the training requirements;

''(B) training subject areas, such as communications procedures and appropriate technology use;

''(C) establishment of training standards in—

''(i) crew resource management;

''(ii) flight risk evaluation;

''(iii) preventing controlled flight into terrain;

''(iv) recovery from inadvertent flight into instrument meteorological conditions;

''(v) operational control of the pilot in command; and

''(vi) use of flight simulation training devices and line oriented flight training.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters;

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(4) Such other matters as the Administrator considers appropriate.

''(c) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(3) COMPLIANCE.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

''(d) DEADLINES.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

''(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

''§ 44733. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter

air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

''(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

''(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''Sec. 44732. Helicopter air ambulance operations.

''Sec. 44733. Collection of data on helicopter air ambulance operations.''.

SEC. 313. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing helicopter air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 314. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Page 121, strike line 2 and all that follows through line 15 on page 125 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) REPORTS AND RECOMMENDATIONS TO SECRETARY.—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

''(C) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(D) TERM.—The Director shall be appointed for a term of 5 years.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

''(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

''(II) corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

''(E) PROCEDURE.—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall—

''(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

''(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

''(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary's authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

''(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations; and

''(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.''.

Page 130, line 17, after ''Agency'' insert '', including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors,''.

Page 132, line 21, strike ''GAO'' and insert ''INSPECTOR GENERAL''.

Page 132, line 22, strike ''Comptroller General'' and insert ''Inspector General of the Department of Transportation''.

Page 133, line 2, strike ''Comptroller General'' and insert ''Inspector General''.

Page 134, lines 6 and 7, strike ''Comptroller General'' and insert ''Inspector General''.

Page 134, after line 13, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 401. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking ''**SCHEDULED**'' and inserting ''**PASSENGER**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft —

''(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

''(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

''(1) in scheduled passenger foreign air transportation; and

''(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on flights.''.

Page 147, line 3, strike ''Secretary'' and insert ''Secretary of Transportation''.

Page 148, lines 19 and 20, strike ''April 1, 2009'' and insert ''October 1, 2009''.

Page 150, strike lines 1 through 10 and insert the following:

(1) Section 47124(b)(3)(E) is amended to read as follows:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 may be used to carry out this paragraph.''.

Page 174, after line 4, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 426. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

''§ 41725. Musical instruments

''(a) IN GENERAL.—

''(1) INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

''(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

''(B) there is space for such stowage on the aircraft.

''(2) LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

''(A) the instrument can be stowed in a seat, in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

''(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

''(3) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

''(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

''(4) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41725. Musical instruments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

Page 183, after line 21, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 505. SOUNDPROOFING OF RESIDENCES.

(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—Section 47504(c)(2)(D) is amended to read as follows:

''(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

''(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

''(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

''(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary's methodology and guidance, and the noise contours have been found acceptable by the Secretary;

''(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

''(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

''(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and''

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

''(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

''(1) ESTABLISHMENT OF CRITERIA.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

''(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

''(3) PRIORITY.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 though 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).''.

Page 186, strike line 6.

Page 186, line 7, strike ''(2)'' and insert ''(1)''.

Page 186, line 8, strike ''(3)'' and insert ''(2)''.

Page 186, line 9, strike ''(4)'' and insert ''(3)''.

Page 196, strike line 23 and all that follows through line 6 on page 197 and insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 511. CABIN AIR QUALITY TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

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

Page 197, line 9, strike ''proposed''.

Page 198, after line 25, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 515. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 3 months after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

Page 206, after line 6, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

''(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;''.

Page 207, strike line 21 and all that follows through line 3 on page 208 (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

Page 223, line 24, strike ''March 31'' and insert ''September 30''.

Page 224, line 1, strike ''May 31'' and insert ''December 31''.

Page 225, line 16, strike ''May 31'' and insert ''December 31''.

Page 236, strike lines 19 and 20 and insert the following:

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms ''realignment'' and ''consolidation'' include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) EXCLUSION.—The term does not include a reduction in personnel resulting from workload adjustments.

Page 243, lines 15 and 16, strike ''flight crew members'' and insert ''pilots and flight attendants''.

Page 243, line 22, strike ''2009'' and insert ''2010''.

Page 254, line 1, strike ''temperature'' and insert ''temperature and humidity'' (and conform the table of contents accordingly).

Page 254, line 8, insert ''and humidity'' before ''onboard''.

Page 254, lines 13 and 14, strike ''temperatures'' and insert ''temperature and humidity''.

Page 254, line 19, strike ''temperature'' and insert ''temperature and humidity''.

Page 254, line 20, strike ''temperature'' and insert ''temperature and humidity''.

Page 254, line 23, strike ''temperature'' and insert ''temperature and humidity''.

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. ST. GEORGE, UTAH.

(a) IN GENERAL.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 827. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 828. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions

with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

Page 261, line 24, strike ''2009'' and insert ''2010''.

Page 266, line 19, strike ''2009'' and insert ''2010''.

Page 267, line 18, strike ''2009'' and insert ''2010''.

Page 270, line 14, strike ''2009'' and insert ''2010''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Chairman.

Because the fiscal year 2009 Omnibus Appropriations Act was already enacted in March, P.L. 111–8, this amendment strikes the 2009 funding authorization in the base bill. Therefore, with adoption of the manager's amendment, total funding provided for Federal Aviation Administration programs in H.R. 915 is approximately $53.5 billion, including $12.3 billion for the airport improvement program, $10.1 billion for facilities and equipment, $794 million for research and development, and $30.3 billion for operations.

The manager's amendment also addresses safety, the Airport Disadvantaged Business Enterprise System, and noise.

On the safety provision, it includes a requirement that FAA initiate a rulemaking to improve the safety of flight crew members, of medical personnel, passengers, and helicopters providing air ambulance services. The FAA must issue a final rule on these issues within 16 months after date of enactment of the act.

The manager's amendment requires the Comptroller General to study helicopter and fixed-wing air ambulance service, including the state of the industry to request and dispatch practices and economic and medical issues and report back to the Committee on Transportation and Infrastructure within 1 year.

DOT is required to review the study, to issue a report to the committee indicating policy changes it intends to make as a result of the study. It strengthens the aviation safety whistleblower protection office.

The manager's amendment includes very specific language with reference to the foreign repair station issue citing the agreement, the bilateral aviation agreement, which I've already cited. I don't need to cite it again. The amendment makes clear that the language in this bill is in keeping not only with the language of, but the spirit of, the U.S./EU aviation agreement.

The amendment applies the Disadvantaged Business Enterprise program and the Airport Concessions Disadvantaged Business Enterprise program to airports collecting passenger facility revenue. It provides more protection from noise for airport neighbors. Under existing law, the FAA is not permitted to fund soundproofing of residences to reduce airport noise unless the airport undertakes an extensive analysis, a Part 150 Study. The amendment allows grants for soundproofing without a Part 150 Study if the airport takes certain actions, such as preparing noise contours and implementing land-use zoning restrictions.

I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota.

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

Mr. PETRI. Thank you.

While there are clearly many useful provisions in the manager's amendment which we do support, there are, unfortunately, several which we do not. And the most important, or one of the important areas has been mentioned on a number of occasions already on this floor as we've gone forward, and that's the foreign repair station inspection language.

The manager's amendment continues to require twice annual inspections of repair stations in Europe. What does this mean? It means that the European Union will and does oppose this provision and has suggested that the provision will nullify the need for the bilateral aviation safety agreement. It certainly violates the spirit of the United States-European Union Bilateral Aviation Safety Agreement.

Under that agreement in section 15, countries are always allowed to inspect the other country's territory based on safety concerns. So there is flexibility and this is within the letter of the law of the treaty, as the chairman has pointed out. But it's certainly not within the spirit of the treaty. Our government is never going to concede jurisdiction over safety of American equipment and people and planes. And if there is a legitimate reason to inspect, we reserve the right to do it under that treaty. But not just automatic inspections whether there is any reason or not, which is what the amendment provides for.

This section 15 provides for inspection, but it does not envisage twice-annual inspections absent a legitimate risk-based safety concern. And that's the logic of the language of the treaty. If we don't abide by the spirit of the treaty, the EU has—and I believe will—walk away from the bilateral agreement and we will have to renegotiate another agreement which may end up giving us less, rather than more, flexibility to inspect when we determine based on information or concerns that have come forward that a particular inspection of a particular facility is warranted, which we have the right to do at any time under this treaty.

The Europeans do not have the personnel to conduct—well, I don't think our government has the personnel currently to inspect all of the stations that would be required to be inspected. And so we would revoke the certificates for repair stations that are not inspected and the Europeans would not be able to do that in our country. The result would be that a lot of work—all around, both parties to the agreement—would be moved around, at least; and the net loss, so far as between the United States and Europe is concerned would, it's my understanding, fall on American stations because currently a lot of European equipment is in fact maintained here in the United States. That's where the threat to the jobs comes from.

□ 1515

The provisions in the amendment having to do with inspection of stations is opposed by the airline industry; the aviation associations that have looked at it; the United States Chamber of Commerce; airline manufacturers; as I mentioned, the European Union; and some 50 of our colleagues, who signed a letter in opposition, I think probably inspired by concern about the jobs in their district at repair stations and dislocation of work at these stations, particularly the smaller ones, that was circulated by our colleague Mr. BARROW.

There are a number of other concerns about the amendment, particularly some concerns about the clarity of the whistleblower amendments and how those would actually be put into effect. Also, a concern about realignment and consolidation language which ties the FAA's hands.

The major concern we have, as I said, is especially in these tense times, where a small match could ignite a big fire in terms of trade relations. We are really playing with fire in the language that's contained in the manager's amendment having to do with inspection on a mandatory basis twice a year of all of these repair stations.

I reserve the balance of my time.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished Chair of the Aviation Subcommittee, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Thank you, Chairman OBERSTAR. I rise in support of the manager's amendment. Let me address a couple of issues that my friend, Mr. PETRI, and Mr. MICA spoke about as far as the agreement that we have and the foreign repair stations—the mandate that we inspect those repair stations at least twice a year.

Number one, the FAA not only has a right, but they have a responsibility to the flying public in the United States not only to inspect those repair stations when there is a problem or a complaint or an issue that is brought up, but they have a responsibility to inspect those repair stations and make sure that all of the repair stations both here in the United States and abroad are meeting the FAA regulations.

I wonder if the groups and organizations who wrote letters in opposition

to this read the Department of Transportation Inspector General's report where, and I quote, ''The DOT inspector general stated that foreign inspectors oftentimes do not provide the FAA with sufficient information to determine the items inspected, problems discovered, and corrective actions taken.''

The report goes on to say, ''In the files that the Department of Transportation inspector general reviewed, the inspection documents provided to the FAA were incomplete or incomprehensible 88 percent of the time, hampering the FAA's ability to verify the inspections conducted on its behalf adhered to FAA safety standards.''

So let me just say that for those who are concerned about this requirement of having two physical inspections of foreign repair stations, this is the same language that was in the bill that was passed by this House by a vote of 267 Members in favor of the legislation. It is the exact same language—to have two inspections per year of foreign repair stations.

The final point that I would make is we, again, in this legislation provide additional funding to the FAA to hire additional inspectors to carry out these inspections.

Mr. PETRI. I would like to speak for a brief moment on a comment my colleague just made, and that is there is a bit of an impression being left that if we don't have these two inspections a year of these foreign European repair stations, they won't be inspected.

They are inspected. In fact, in a number of jurisdictions, the standards that are imposed on these facilities by the European Union and the governments and jurisdictions in which they exist are stricter than our own standards are.

So we do reserve the right now to inspect those stations if there is a problem. But to go ahead and require two inspections a year of stations that are already inspected by standards that we have concluded after experts have looked at it are perfectly adequate is really setting up a dynamic which will end up being disruptive to the industry and to good cooperative relations with our European allies.

I reserve the balance of my time.

Mr. OBERSTAR. I reserve the right to close.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

Mr. OBERSTAR. It's my amendment.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. Parliamentary inquiry. Is the right to close reserved to the opposition to the amendment?

The Acting CHAIR. A manager in opposition to the amendment has the right to close. Mr. PETRI is a manager in opposition.

Mr. OBERSTAR. I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank Chairman OBERSTAR again. Mr. PETRI, I would just finally say again that we have the Department of Transportation inspector general report. We understand that there are a number of inspections that take place by other agencies outside of the FAA.

But let me again read to you from the Department of Transportation inspector general. ''In the files that the DOT IG reviewed, the inspection documentation provided to the FAA was incomplete or incomprehensible 88 percent of the time, hampering the FAA's ability to verify that inspections conducted on its behalf adhered to FAA safety standards.''

What we are simply saying is that we want the FAA to go to foreign repair stations and physically inspect them twice a year. And we are saying to our friends in Europe if they want to inspect repair stations that they are using here in the United States twice a year, or more than twice a year, they are more than welcome to do that.

We believe that we have the right—not only the right, but an obligation to the flying public to require these inspections.

I would also finally note we're talking about agreements that were negotiated by the past administration with our friends in Europe, and the past administration did not consult the Aviation Subcommittee or the Transportation Committee or the Congress when they negotiated these agreements.

So we believe this is a reasonable thing to do. It was in the last bill that passed the Congress in September, 2007; 267 Members voted in favor of that bill with this provision in it. And we believe that it is the right thing to do and a reasonable thing to do, and it's an obligation we have to ensure the safety of the flying public.

Mr. PETRI. I understand that since the gentleman from Minnesota is amending the bill and I'm a member of the committee, I have the right to close.

The Acting CHAIR. The gentleman does have the right to close.

The gentleman from Minnesota has approximately 2 minutes remaining.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I rise to highlight my provision in the manager's amendment of the FAA authorization which directs the GAO to conduct a nationwide study of helicopter medical services.

On April 22, the Aviation Subcommittee held a hearing on oversight of medical helicopters, which confirmed my concerns about this industry. A recent and disturbing increase in safety-related incidents involving helicopter medical services impacts real patients who have been harmed or put at risk in areas where there is fierce and unregulated competition among medical helicopters.

The language that I provided Chairman OBERSTAR provides for a study to illuminate the troubles in the helicopter medical services industry and prevent unnecessary deaths and injuries among our country's most vulnerable medical patients.

I look forward to working with the Department of Transportation following this study to fully implement these issues literally of life and death.

Mr. OBERSTAR. Mr. Chairman, I will close to say that although we have beaten this repair station horse to death with 30-second cameo commentaries about threats of job losses, the point is safety. We must never negotiate away the right of the United States FAA, the gold standard for safety in the world, to assure that aircraft on which our fellow citizens travel are maintained properly and in accord with FAA standards and with certificated facilities and properly certificated maintenance personnel. And our right to inspect them should not be inhibited.

The previous administration should never have negotiated away any such right or presumed to limit our ability.

We are acting in this language in this bill under the authority of the U.S.-EU Aviation Agreement. It specifically says so. And for us to come in and inspect only when there is a problem is the graveyard mentality that got the FAA out of problems and fatalities in the eighties. We're not going to repeat that in the future.

Mr. PETRI. The concern about this amendment is that we do have the ability to inspect if there's a reason now to inspect. It's very unlikely if this were to become law we would immediately have in place the inspectors necessary to inspect all of these European stations twice a year. As a result, the certification of many of them would be pulled. It would force retaliation by the Europeans on our own stations.

If it was a sincere amendment, it would provide that it not go into effect until the government had an opportunity to inspect all of these stations twice. And it does not do that. We know how effective government is. It will take them years to man up and find all of these European stations. And so we oppose the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LEE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 111–126.

Mr. LEE of New York. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LEE of New York:

Page 259, after line 22, insert the following (with the correct sequential designations and conform the table of contents of the bill accordingly):

SEC. 826. PILOT TRAINING AND CERTIFICATION.

(a) INITIATION OF STUDY.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) DATA COLLECTED.—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) REPORT.—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

□ 1530

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from New York (Mr. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. LEE of New York. Thank you.

I want to start by thanking my colleagues from western New York, Ms. SLAUGHTER and Mr. HIGGINS, for signing on to this amendment and the support they have given to the families of the victims of flight 3407. The need for this amendment arose due to the revelations that came out of the NTSB hearings held last week and the causes of the crash. As I'm sure many Members of this distinguished body know by now, the crew of flight 3407 was not adequately trained to execute maneuvers that may have prevented this tragedy. All 49 people onboard lost their lives in addition to one person on the ground. Here we had a case of a regional carrier, Colgan Air, operating under the banner of a major commercial airline. So the passengers were flying on a Colgan plane but were holding Continental Airline tickets. This is not unusual. In fact, regional carriers now make up almost half of the Nation's daily flights. These revelations, combined with the fact that all of the multiple fatality commercial plane crashes that have occurred in this country since 2002 have been on regional carriers, have left the families and the public with more questions than answers.

This amendment would instruct the GAO to conduct a thorough investigation of all commercial airline pilots' training and certification programs, including the standards the FAA uses for such programs, how quickly air carriers update and train pilots on new technologies, and what warning technologies are in place to signal impending danger. This top-to-bottom review will provide the American people with an independent look at the disparity in training between the regional carriers and major commercial airlines and, more importantly, what impact it has on passenger safety.

I want to submit a message from Kevin Kuwik, whose girlfriend lost her life in the crash. Kevin has been speaking on behalf of the families.

''In the past 3 months, our group of families has struggled to come to terms with the fact that this tragic accident was, seemingly, very preventable. This action represents an important step in ensuring that all pilots are trained at the highest level possible, especially in the critical areas of stall recovery and cold weather operations, to prevent other families from having to suffer through what we have.''

I want to echo the forward-looking aspect of Kevin's statement. This is not about assigning blame to any one individual or entity. While it is horrifying to think that this tragedy may have been avoided, this comprehensive review would expose information that would help the aviation industry reform its training practices to ensure passenger safety and confidence.

I want to close by again thanking my colleagues from western New York, Ms. SLAUGHTER and Mr. HIGGINS, for agreeing that there is a need for this action and, more importantly, for the support they have given to our community in the months since the tragedy occurred. I urge the adoption of this amendment.

I reserve the balance of my time.

Mr. HIGGINS. I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I am pleased to join my western New York colleagues, Congressman CHRIS LEE and Congresswoman LOUISE SLAUGHTER, in offering this amendment to require a Government Accountability Office study of commercial airline pilot training and certification programs.

On February 12, 2009, 50 lives were lost when Continental Connection flight 3407 crashed into a house in Clarence, New York, 5 miles from the Buffalo Niagara International Airport. What was to be a joyous reuniting of family and friends became a time of unspeakable grief and sorrow. It is a tragedy our community continues to grapple with today.

Last week, the National Transportation Safety Board held public hearings on the crash. The investigation raised the issue that the crew's level of hands-on training and experience with the plane's safety system may have contributed to the crash. Given these findings, we must conduct a comprehensive review of the procedures governing the certification and training of pilots. This review will determine whether our pilots are receiving the training and experience they need to operate their aircraft under times of extreme difficulty and stress. We have an obligation to ensure that they are properly prepared to prevent, respond to and recover from the emergencies and circumstances they may encounter in flight.

This amendment will provide Congress with the information and analysis we need to determine whether pilot training and certification regulations are sufficient, or whether and how they should be strengthened. The devastation felt in the aftermath of this tragedy can never be undone. But we owe it to the families of the victims and to all air passengers to learn from this experience and to gather information that we can use to change the system and improve flight safety.

I thank Congressman CHRIS LEE for his leadership and for bringing this amendment to the floor. This is a good, commonsense amendment. I urge its adoption.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from New York (Mr. LEE) has 2 minutes remaining.

Mr. LEE of New York. I would like to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague CHRIS LEE from New York for yielding and rise in support of his amendment. It's an important step to prevent similar accidents in the future. It is something that we need to do, and I very much appreciate his offering the amendment at this time.

Mr. BOCCIERI. Mr. Chair, the resolution seeks a GAO study on all commercial airline pilot training and certification programs in the wake of new revelations surrounding the events that led up to the Continental Connection Flight 13407 tragedy.

FAA minimum pilot standards are long overdue for an overhaul.

It is my hope Congress will take a comprehensive look at these standards and make necessary changes. This study will help us determine what shortcomings currently exist.

The Colgan Air crash in Buffalo underscored the danger of not having fully trained pilots in the cockpit.

The flying public has a reasonable expectations that pilots will have all the critical training necessary to protect their lives in the air and make in-flight adjustments based on conditions; while investigations are ongoing—it is becoming clear Colgan did not meet those expectations in the Buffalo crash.

(1) Commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) The number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) How United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) What remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) What stall warning systems are included in-flight simulator training compared to classroom instruction;

(6) The information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

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

Mr. LEE of New York. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. LEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 111–126.

Ms. RICHARDSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. RICHARDSON:

Page 142, at the end of the matter following line 5, insert the following:

42304. Notification of flight status by text message or email.

Page 147, line 25, strike the closing quotation marks and the final period and insert the following:

''§ 42304. Notification of flight status by text message or email

''Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Mr. Chairman, I have offered an amendment today which would give the FAA administrator 180 days to issue regulations to mandate giving consumers an option for text message and/or e-mail notification from carriers in the event of a delay or canceled flight. The amendment would, consistent with the existing regulations, apply to 18 major carriers who earn at least 1 percent of the domestic passenger service revenue and in that way those carriers could, in fact, provide a commonsense option for all passengers.

The reason for the amendment is that a limited number of carriers offer this service, and those who do often only provide the service to those who are willing to participate in membership clubs or incentives to join. With well-known horror stories of delayed and canceled flights, combined with the widespread capabilities for the use of cell phones and BlackBerrys nationwide, it's time to provide a 21st century solution to the American flying public. Americans and worldwide travelers are calling for solutions that would enable critical information people need to ensure proper planning in the case of a delay or cancellation.

There is overwhelming evidence that delays and cancellations continue to be a common nuisance.

About 24 percent of all flights, that is almost 1 out of 4, were delayed or cancelled in 2008. In a 2006 example that garnered media attention, thunderstorms shut down American Airlines' operations in Dallas-Fort Worth and passengers were stranded for nine hours or more.

Major chokepoints for travelers have been large, hub airports. Even when Chicago, New York, Atlanta or San Francisco is not your final destination, thousands of passengers are routed through those hubs for a connection.

Although, with a decline in air traffic due to our economic condition, progress is still slow in many of our major airports such as JFK or LaGuardia in New York, or Chicago's O'Hare. Even worse, San Francisco International actually saw an increase in delay times by 6 percent from 2007 to 2008.

There are many reasons that a delay could occur and unfortunately most passengers are not aware, for example, of poor weather conditions in other cities that indirectly affect their flight. In one example, a direct flight last year from Denver to Alabama was delayed 8 hours because the airline did not have a plane available. The plane was grounded in Aspen, Colorado due to snow and could not make the trip to Denver.

This is a common example of an airline having prior notice of an upcoming delay. The airline could have sent each passenger who requested it an email or text message, and those passengers could have more time to plan a different route or contact their family with the news.

This past March, snow slammed the East Coast unexpectedly. In the New York region alone, the storm caused 350 cancelled flights at Newark Airport, 115 at JFK, and 450 at LaGuardia.

One woman, Ms. Marreta Rashad, did not find out her flight home to Houston was cancelled until she had already made the long trek to LaGuardia. ''I'm not unhappy about the snow,'' she said. ''I'm unhappy about the fact they don't notify you.''

Customer service matters. Why? It is in the economic interests of this nation for the continuation of a stable aviation industry while protecting their customers and providing them with the tools to make informed traveling decisions. The summer travel season is coming and it is important for every American business, large and small, that folks travel around the country to keep our tourism sector strong.

It is important to note that this amendment does not call for the aviation carriers to provide the service at no cost; similar to if someone makes a 4–1–1 information call on their cell phone, passengers will pay whatever their telecommunications or electronic plan requires. But, passengers should have the piece of mind to know that if they choose, they will be armed with the latest information.

I want to thank Chairman OBERSTAR and Chairman COSTELLO for their feedback on this amendment. I urge all my colleagues to support this commonsense amendment.

Mr. COSTELLO. Will the gentlewoman yield?

Ms. RICHARDSON. I yield to the gentleman from Illinois.

Mr. COSTELLO. Let me say that you have made a very strong case, and we accept your amendment.

Ms. RICHARDSON. I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise with concerns about the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes in opposition.

Mr. PETRI. I think we can all agree that notifying passengers of their flight's status is quite important. But I would like to express a number of concerns about the amendment. It's an important area, and we would like to work on it, but we want it to be an effective amendment that would not have unintended consequences. So it is in that spirit that I express concerns about the amendment.

We worry that the amendment will have negative, as I said, unintended consequences on some air carriers. Although it only applies to carriers that earn at least 1 percent of domestic passenger service revenue, this amendment will still affect many regional carriers that do not have the capability of carrying out the mandates of the amendment. The vast majority of regional carriers do not issue tickets. This is done by their mainline air partner. Thus, these regional carriers do not even have their passengers' contact information, making the requirement impossible to adhere to by them. They would have to be relying on their mainline partner.

The Regional Airline Association believes that this amendment, as currently written, would require a fundamental restructuring of the contracts and partnership language between the regionals and the mainline carriers that could affect the relationships in a number of ways.

I hope that my colleagues will join me in working as we go forward to refine this amendment so that it

achieves its intended notification to passengers without economically damaging consequences on the balance of power between the small regionals and the mainline partners that they have.

Mr. OBERSTAR. Will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Could the gentleman explain whether his position is just raising questions or is he in opposition to the amendment?

Mr. PETRI. We're just raising questions. We agree the amendment is an important one, and it addresses a real need. We just want it not to have the unintended consequence of benefiting the mainline ticket processing operations at the expense of the small regional carriers which, if it was a mandate, it might have the effect of doing. It is not the intention of it, but it would be an unintended consequence because these people would need to get the information to comply from someone else, and that person, foreseeably, could affect the contract relationship.

Mr. OBERSTAR. If the gentleman would further yield, it's a legitimate concern, and we will address that concern—I assure the gentleman—as we move forward to hopefully conference with the Senate. I would like the distinguished ranking member to give us some further elaboration of these issues. We will address those.

Mr. PETRI. With the assurance of the chairman, at this time we would be happy to see the amendment move forward, knowing that it will be refined as we go forward.

I yield back the balance of my time.

Ms. RICHARDSON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 111–126.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURGESS:

Page 259, after line 22, insert the following (with the correct sequential designations and conform the table of contents of the bill accordingly):

SEC. 826. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Thank you.

Today Congress will vote on H.R. 915, which will reauthorize the funding and Safety Oversight Program of the Federal Aviation Administration for 4 years. This will cost the American taxpayers $70 billion. Yet again, another omnibus bill for yet another historic amount of money, and this time spent for the FAA. Where will this money come from? The money will not come from large commercial airlines. These fees will not be generated alone by labor and the efforts of big businesses. These fees will come from the average American already struggling to make ends meet. For instance, this bill will increase the Passenger Facility Charge on airline flights from $4.50 to $7. So every American flying will now have to pay $2.50 more for each trip. In these tough and trying economic times, every dollar counts. So how can we justify making our constituents and airline consumers pay more money to fly and visit their relatives?

This bill will also create new fees for registering an aircraft. A new fee for the issuance of aircraft certificates, a new fee for the issuance of special registrations, a new fee for recording security interests, and a new fee for legal opinions for aircraft registration or recordation. There is even a new fee for replacing or issuing airman certificates. It begs the question, what won't we be imposing a new fee upon?

At least with this bill, a vote for it will affect everyone. Everyday travelers, tourists, small businesses and large businesses alike will have their pocketbooks affected. I refer specifically to the language in this bill regarding the antitrust immunity sunset, which would terminate airline codesharing alliance agreements between airlines and the United States Government. Most major U.S. airlines are members of one of three partnerships. They entered into these alliance agreements in the late eighties and the early nineties under both Republican and Democratic Presidential leadership, with full review of the U.S. Department of Transportation as well as the Antitrust Division of the U.S. Department of Justice.

Now it has been estimated that these airlines will lose almost $5 billion in 2009 alone due to the precipitous drop in passengers.

Mr. OBERSTAR. Will the gentleman yield?

Mr. BURGESS. No. Let me continue because my time is short.

We are punishing the American consumer by increasing the Passenger Facility Charge, and now we're punishing the American consumer by inconveniencing their ability to book travel. I can only begin to imagine the increase in costs when we eradicate these alliances. However, there is one issue in the bill which is clearly bipartisan and which none of us would ever stand in disagreement upon, and that is the issue of safety.

□ 1545

Every citizen should be safe when they fly, and those who act to ensure our continued safety must be recognized and protected. If any element of safety is compromised, then we deserve to know.

The amendment I offer today does not give whistleblowers any new laws to pursue legal action. The amendment only proposes to preserve the laws that they already have and certainly not give them any less. They should not be faced with retaliatory firings. They should not have retribution taken in their private, non-work lives.

Individuals in the world of the Federal Aviation Administration should be able to speak up and speak out when safety is being compromised. Whether it is the Federal Government, a private company, or their fellow colleagues who compromise safety, these brave people are entitled to the full protection of the law when they inform the public as to how our safety is compromised.

In my district we have had several instances of constituents who have acted as whistleblowers. Some have had their claims fully investigated and overseen by the FAA. Some have not. Some have been punished for speaking out. Some have not. We must make certain that every whistleblower is treated fairly and equally. Each and every claim reported to the FAA should be properly reviewed. I asked in November of 2008 to conduct an oversight and investigations hearing focusing on whistleblowers.

I would like for this letter that I sent to my Subcommittee of Oversight and Investigations to be included in the RECORD.

NOVEMBER 18, 2008.

Hon. BART STUPAK,
Chairman, Oversight and Investigations, Washington, DC.

DEAR CHAIRMAN STUPAK, When we spoke a few weeks ago, I mentioned a situation relating to the Dallas-Fort Worth's Terminal Radar Approach Control (DFW TRACON) that could place the safety of the flying public at risk. I believe that this issue should be of interest to you as Chairman of the Energy and Commerce Committee's Oversight and Investigation Subcommittee as an example of how certain whistleblowers courageously reported abuses of the public trust in an attempt to change FAA's safety and management culture. If you are contemplating a hearing during the 111th Congress focusing on federal whistleblowers, I believe the addition of any one of the brave Americans involved in this particular situation would provide a valuable perspective.

This dangerous situation came to light when one of my constituents, Anne Whiteman, raised concerns about the Federal Aviation Administration management at DFW TRACON. Her concerns were that senior managers and air-traffic controllers intentionally misclassified near-miss events as pilot error when in fact they were due to controller error in order to avoid investigation of these incidents and potential disciplinary action. The Office of the Inspector General at the Department of Transportation, at the direction of the Office of Special Council, initiated an investigation and in April 2008 they concluded that Anne Whiteman's concerns were well-founded. Their report confirmed that senior management officials at the FAA jeopardized the safety of our citizens by misclassifying air traffic events

merely so they could falsely improve their quality ranking.

As per DOT procedure, this report by the DOT's OIG was referred to the Office of Special Counsel, and on November 14, 2008, they issued their report also finding Anne Whiteman's facts to be reasonable. OSC found that the DFW TRACON acted to systematically mischaracterize operational errors as pilot errors. The OSC found this systematic behavior directly resulted from a general lack of oversight at the FAA and also made recommendations to mitigate and avoid this type of situation in the future. I have included a copy of the OSC final report and the OIG April 2008 Memorandum for your review.

Thank you for your consideration of this request. As always, it is a pleasure working with you. Even though we do not always see eye-to-eye on every issue, I know both you and I share a desire to ensure that those entrusted with the public's safety are held accountable.

Sincerely,

MICHAEL C BURGESS,
Member of Congress.

I wanted this Congress to look into how certain courageous whistleblowers report abuses of the public trust and how the FAA's safety and management culture responds.

Now, I am well aware that we have stopgap funding for the FAA. Perhaps as a result of this, the FAA has not had the time, the energy, or the resources to do proper oversight and investigations. Perhaps they have not had a chance to look into each and every whistleblower action. If this is the case, then the solution is not to create new laws, thus new actions for the FAA to undergo. The solution is not to give them unheard of amounts of money by taxing consumers.

Instead, let us give the FAA the resources they need to do the proper oversight and investigations and ensure that the safety of our citizens is our first and foremost concern. My amendment will recognize the role whistleblowers play in creating a safe flying environment, and I hope Members will join me in supporting their important role.

Mr. PETRI. Will the gentleman yield?

Mr. BURGESS. I yield to the gentleman from Wisconsin.

Mr. PETRI. The amendment affirms the sense of Congress that whistleblowers at the FAA should be fully protected by law, and we support the amendment.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, although I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. It was unclear to me what the gentleman was proposing. His amendment deals with whistleblowers, but his conversation rambled all over the lot on other provisions of the bill, and I was simply going to ask the gentleman if he was ever going to get to his amendment. And eventually he did.

We accept the whistleblower amendment. However, the gentleman is misguided about the passenger facility charge. We do not require airports to impose passenger facility charges, Mr. Chairman. It is a local option. They either do or they do not as airport needs require. If they want to expand airport runway capacity, taxiway capacity, parking apron capacity on the air side of airports and need, in addition to the airport improvement funds, additional revenues to do that, they will have to justify to their board, to their community, to those who use that airport, they have to justify their proposal to increase the passenger facility charge, show how it is going to be used, show how the revenues will contribute to improvement of aviation service and do it all in a public process.

I'm puzzled as to the gentleman's concerns about that provision and many others.

I yield to the gentleman from Illinois, the Chair of the subcommittee.

Mr. COSTELLO. I thank you for yielding, Mr. Chairman.

The point that I would make about the passenger facility charges is exactly the point that Chairman OBERSTAR just made. It is permissive. It is up to the local airport authority. And if, in fact, there is a passenger facility charge collected, it stays there at the local airport.

Mr. PAYNE: Mr. Chair, I rise in strong support of the Burgess amendment to ensure whistleblower protection for FAA employees, and I commend Dr. BURGESS for offering this amendment. I have been deeply disturbed at the situation at Newark Liberty International Airport in my congressional district of Newark, New Jersey. The safety concerns raised by a number of our air traffic controllers, the professionals we rely on to get us safely to and from our destinations, have been virtually ignored.

We have a situation where wrong turns caused by pilots' confusion over the FAA's new procedure have resulted in near-collisions. Yet, when the air traffic controllers have expressed alarm, the response of FAA management has been to retaliate against the employees who are trying to guard the safety of the flying public. Let me also add that I am disappointed that New Jersey communities, especially those in Essex and Union counties in my congressional district, are being forced to bear an unfair share of the noise burden under the airspace redesign plan. I hope that the new FAA administrator will address both the whistleblower protection issue and the need to reexamine the airspace redesign plan.

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

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 111–126.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CUELLAR:

Page 258, after line 11, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, as necessary, and testing and deployment of alternate solutions, as necessary.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I ask for unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 5 Offered by Mr. CUELLAR, as modified:

Page 258, after line 11, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the

Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

Mr. CUELLAR (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the modification.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank first, of course, our chairman, Mr. OBERSTAR, for his leadership on this bill.

My amendment will assess the effect of the FAA's radars and alternative technology development especially on wind farm development and when appropriate direct the administrator to develop a process for the relocation of those radars if a suitable alternative site is identified. This bipartisan amendment was bourn out of conversation with the FAA and the Transportation and Infrastructure's Aviation Subcommittee. I certainly want to thank the chairman also.

Mr. Chairman, I want to be clear that nothing in this amendment shall be construed to constrain the issuing of a determination of no hazard to air navigation for wind construction projects while the study is underway. I have included clarifying language in my modified amendment, and I intend to work with Chairman OBERSTAR and the Senate in the conference to ensure that the legislative intent of this amendment stays there so we don't halt the issuance of permits for wind technology.

Mr. COSTELLO. I ask the gentleman to yield.

Mr. CUELLAR. Yes, sir.

Mr. COSTELLO. The gentleman has made a strong case. We accept the amendment, and we will submit a statement in the RECORD.

Mr. CUELLAR. I would like to yield 1 minute to Mr. MCCAUL.

The Acting CHAIR. The gentleman from Texas is recognized for 1 minute.

Mr. MCCAUL. I thank the gentleman from Texas, my good friend, Mr. CUELLAR.

Mr. Chairman, I rise in support of this amendment that I'm proud to cosponsor. I urge its adoption. As we all know, the development of alternative energy is of supreme importance to this country both as an economic and a national security issue. I believe in the all-of-the-above energy policy that includes more energy domestically.

Unfortunately, in our home State of Texas, the construction of wind farms has been delayed because such farms interfere with radars used by the FAA. The amendment is simple. It requires the FAA to study and report to the Congress on the impact radar replacement can have on the development of renewable energy facilities. If they can still achieve their national security and public safety goals from an alternative location while still accommodating the development of renewable energy, then Congress should know this so we can then take appropriate action.

Mr. CUELLAR. I just want to thank Mr. OBERSTAR and Mr. COSTELLO for their time and Mr. MCCAUL, Mr. ORTIZ, and Mr. RODRIGUEZ, who also cosponsored this amendment.

I yield back the balance of my time.

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

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

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 111–126.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL:

Page 259, after line 9, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes. The Chair recognizes the gentleman from Texas.

Mr. MCCAUL. Mr. Chairman, I rise today to offer this amendment that would prohibit naming airports, Federal programs, and other projects under the FAA's jurisdiction after sitting Members of Congress. Although such instances are rare, this practice further erodes the public trust in this institution and its Members.

Recent press reports from the John Murtha Johnstown-Cambria County Airport highlight this problem. The airport received $800,000 from the stimulus package to upgrade its alternative runway. Whether or not that is a wise use of money is not the question this amendment is intended to address. Rather, the problem is that the perception of the American people is that this little airport is getting special treatment because it is named after Congressman MURTHA.

This perception feeds the belief that Members of Congress are arrogant and out of touch with the American people that we represent. This is a problem that exists in other areas of the Federal Government as well. There are courthouses, such as the ones named after Senator THAD COCHRAN of Mississippi, and then there is the Charlie Rangel Center for Public Service. There are also various roads and bridges across the country named after Members of Congress and everything from schools to clinics to prisons in West Virginia named for Senator BYRD.

Unlike the bill I have introduced to end this practice, this amendment is limited only to the scope of projects authorized by the underlying bill. But with this first step, we can start to correct this and hopefully begin anew to restore some of the standing that this great institution has lost with the people that it serves.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. The amendment that the gentleman offered would help restore confidence in the public's mind that the projects and programs included in the authorization bill are for the public benefit.

I would like to thank you for offering the amendment.

I urge my colleagues to support the amendment.

The Acting CHAIR. The gentleman from Texas reserves the balance of his time.

Mr. OBERSTAR. I ask unanimous consent to claim time in opposition to the amendment, although I think I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I just want to make it clear that the language of the amendment is general in nature. And Mr. Chairman, I ask of the offeror of the amendment, although he referenced sitting Members of the House and Senate, he does not intend this language to apply to any specific Member, is that correct?

Mr. MCCAUL. Will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman.

Mr. MCCAUL. This amendment is not intended to be applied retroactively. It would only apply to then Members—

Mr. OBERSTAR. The language is not intended to apply, my question is, to any specific Member?

Mr. MCCAUL. That's correct.

Mr. OBERSTAR. It was a few years ago, quite a few years ago, 1996 to be exact, that the Republican majority foisted upon the Washington Airport Authority a requirement to designate, redesignate the name of the airport serving the Nation's capital. They started out this amendment by the

gentleman from Georgia, Mr. Barr, to name it ''Reagan National Airport.'' We pointed out that is renaming the airport. It is named for the first President of the United States.

That language was changed to call it the ''Washington-Reagan National Airport.'' Not only did the amendment require the Washington National Airport Authority to change the name of the airport, but it was made very clear to me that if they did not do that, and if they did not change the signs at their expense, that funds would be withheld from Washington National Airport. That was mean. That was vicious. It was done because there was the power to do it. And it was the wrong thing to do.

Now we should not be naming facilities for sitting Members of the House or of the other body. The plain language of the amendment is right, and that is the practice that we have followed. And I accept that. But I would just point out, as I did in that debate in 1996, that when the question of naming the new airport in Loudoun County came up, Senator Dole offered the amendment to give the Washington National Airport Authority the authority to designate a name for that airport. He did not say what name it should be. The airport authority named it.

I was of a mind to include such language in this bill, but I withheld doing it, to reestablish the power of the Washington National Airport Authority to rename that airport, should they choose to do so. It is their authority. It is not ours. And the then-majority ran roughshod. And I said to the gentleman from Georgia, you would scream to high heaven if the Congress tried to do this to an airport in your community, in your district. You would scream to high heaven if we told you what name to give it and to change the signs around the airport at your expense. But you are doing it out of harshness to the Nation's capital.

□ 1600

That's the wrong attitude, and the gentleman's amendment is in the right spirit.

But I just want to say for some of the interventions that I've heard on this floor that I've had it a little bit with posturing. This is not posturing. This is right. This is fair. We ought to do it, and we accept the amendment, but just know that there is a painful history and a wrong history about naming facilities.

I yield back the balance of my time.

Mr. MCCAUL. Mr. Chairman, I share in the same spirit with Chairman OBERSTAR. I think it's the height of arrogance for us to name, at taxpayer expense, buildings after sitting Members of Congress, people in the Congress, currently serving, and that's what the American people resent about this institution. And I appreciate the bipartisanship you bring to this.

I would also say that President Reagan was not in office at the time of the naming, and I thought it was very fitting to have named it after President Reagan, as it would be if a Member of Congress retires from this institution and the Congress decides to name a building after a retired Member of Congress.

But it is entirely inappropriate for a Member of Congress to use taxpayer dollars to name a building after himself or herself to glorify themselves.

So, with that, I thank the chairman for his bipartisanship on this issue.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part C of House Report 111–126.

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of Connecticut:

Page 183, after line 21, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

I'd like to thank Chairman OBERSTAR and Chairman COSTELLO and the minority members on the committee for allowing this amendment to come before us today.

Every year, the FAA works with local communities and local airports to address and try to remediate noise and safety issues. In my district, that's happening with respect to the Waterbury-Oxford Airport, which has changed over time: a lot more jet traffic, a lot more noise and increased safety concerns for, in particular, a neighborhood, the Triangle Hills neighborhood, which sits in the town of Middlebury.

We are undergoing a process right now to potentially purchase and relocate some of the people who live in that neighborhood. A problem, though, potentially arises in that during the process of notifying the neighborhood and the community about a relocation effort, the value of those homes is going to normally drop. It is standard practice in the FAA to make sure that in assessing the value of those homes that you do not allow for the decrease in value due to the notice regarding a potential relocation. This amendment simply seeks to take that standard practice issued in guidelines to local Departments of Transportation and put it into statute.

This is going to make sure that these processes of relocation ensure that people in the Triangle Hills neighborhood and like neighborhoods around the country get the fair market value for their homes, but also, I think it will allow this program to work more efficiently as it goes forward. I think residents will be much more willing to enter into these type of noise remediation and safety remediation plans if they have some assurance that they are going to get a fair price for their homes.

So I thank again the chairman and the ranking member for working with us on this amendment; and on behalf of the dozens of residents of the Triangle Hills neighborhood, we thank you for allowing us to bring this amendment before us.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. We accept the gentleman's amendment, if the gentleman is prepared to yield his time.

Mr. MURPHY of Connecticut. I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. CASSIDY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part C of House Report 111–126.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASSIDY:

Page 159, line 8, strike ''and''.

Page 159, line 12, strike the period at the end and insert ''; and''.

Page 159, after line 12, insert the following:

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, like many Members of the House, I represent a city with a small hub airport. While multiple airlines provide service at small hub airports, most flight routes have only one airline option. Many of my constituents perceive that this lack of competition creates a higher rate of delayed flights. I share their concern and offer this amendment to require the Department of Transportation to study the issue.

Specifically, the Department would analyze whether the lack of competitive flight options on some routes affects the frequency of delays and cancellations. The Department is already required to report on flight delays and cancellations, and my amendment would strengthen this report.

Mr. Chairman, the availability of competitive options on flight routes is affected by a number of factors which may include industry consolidation and lack of competition on certain routes, as well as the size of the community served.

This amendment would give us greater understanding about the cause of flight delays at small and medium hub airports so that we may continue to improve air service for those communities. I urge adoption of the amendment.

Mr. PETRI. Would the gentleman yield?

Mr. CASSIDY. I would yield to the gentleman from Wisconsin.

Mr. PETRI. I thank my colleague for yielding to me.

The amendment he has offered supplements a Department of Transportation Inspector General study on flight delays and cancellations in the base bill by adding to the Inspector General's review a requirement to assess the effect limited air carrier service options has on the frequency of delays and cancelations on such routes.

This is a useful amendment and important to many service airports in our country, and I support the amendment and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to claim time in opposition, though I do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. We accept the amendment. If the gentleman is prepared to conclude his remarks and yield back, we can proceed. I yield back.

Mr. CASSIDY. I yield back.

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. KILROY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part C of House Report 111–126.

Ms. KILROY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. KILROY:

Page 115, after line 7, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 312. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Mr. Chairman, I yield myself 2 minutes.

I rise today in support of my amendment to raise the profile of dangerous incidents involving smoke in the cockpits of aircraft. Smoke in cockpits is a factor in an unscheduled emergency or emergency landing every single day in North America. This dangerous in-flight occurrence has already claimed over 1,230 lives.

In 2007, a top NASCAR official and his pilot were killed after their plane crashed within minutes of radioing an emergency because of smoke cascading into the cockpit. The crash also killed a mother, her 6-month-old infant and a 4-year-old next-door neighbor when the plane struck into the heart of their Florida neighborhood.

The National Transportation Safety Board has addressed the issue and considers smoke inside the cockpit and cabins to be a ''serious issue.'' The NTSB has made recommendations to the Federal Aviation Administration for decades on this very issue. The FAA does not consider smoke interfering with the pilot's vision as a ''unsafe condition,'' despite more than 70 major events in the last 4 decades and NTSB recommendations.

This amendment would gather the data that could prove the need for better equipment and save thousands of lives in the future.

Today, I look forward to voting for this important reauthorization of the FAA. I want to thank Chairman OBERSTAR and Chairman COSTELLO for their excellent work on this bill, including protections and rights guaranteed to the 2 million airline passengers that fly in this country every day. The Committee on Transportation and Infrastructure and the Aviation Subcommittee have taken historic steps to improve flying experiences for passengers, as well as invest in modernizing critical safety systems like air traffic control.

Once a plane has taken off and is in control of the pilot, smoke in the cockpit can be deadly. There will be nothing our safety systems on the ground or air traffic controllers in the tower could do to help.

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

Mr. COSTELLO. I claim time in opposition, although I do not intend to oppose the gentlelady's amendment.

The Acting CHAIR. For what purpose does the gentleman from Wisconsin rise?

Mr. PETRI. Well, I was going to rise in opposition, even though I don't oppose the amendment either. We would support the amendment and urge its speedy passage.

This amendment seeks to improve aviation safety by requiring the Government Accountability Office (GAO) to conduct a study on FAA oversight of programs intended to prevent or mitigate the dangerous effects of smoke in airline cockpits.

Cockpit smoke can occur due to a variety of reasons, some which are not always imminent threats.

While the FAA has approved several technologies to deal with cockpit smoke, such as specially designed pilot goggles, not every technology is appropriate for all types of aircraft or pilot skill levels. The study proposed by Ms. KILROY's amendment will assist FAA in determining the most smoke mitigation technology for various operators and aircrafts.

I thank my colleague for her efforts to improve aviation safety and ask all Members to support this amendment.

The Acting CHAIR. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO. Mr. Chairman, we commend the gentlewoman on her amendment. We accept it and yield back the balance of our time.

Ms. HIRONO. Mr. Chair, I rise today in support of the Kilroy amendment to H.R. 916, the FAA Reauthorization Act, which directs the GAO to study, within one year of enactment, the effectiveness of FAA oversight activities related to preventing or mitigating the effects of dense continuous smoke in the cockpit of commercial aircraft.

There are several incidents every week where an aircraft must land due to the presence of smoke in the cockpit. In the great majority of these cases, pilots are able to land the aircraft or disperse the smoke before a catastrophic accident results. There have, however, been several accidents over the years caused by the inability of pilots to see

due to the presence of unstoppable, dense, continuous smoke.

Interestingly, the aircraft of the Secretary of Transportation, the Secretary of Homeland Security, senior military leaders, and the Federal Aviation Administration have technology aboard that ensures that, even in cases of dense unstoppable blinding smoke, pilots can see.

I was surprised to learn, however, that there is no FAA requirement that passenger airliners or military aircraft have an equivalent system to ensure that pilots can see under these conditions. The technology in question costs approximately $25,000 to $30,000 per aircraft—which equates to a penny or so per ticket over the life of the system.

As I understand it, the FAA's minimum safety standard is that any failure of systems or components that result in catastrophic consequences must be "extremely improbable," and that "extremely improbable" is defined by the FAA as not one catastrophic event in one billion flight hours.

According to Boeing data, American certified planes have not flown one billion flight hours worldwide in the last 50 years. There have, however, been numerous catastrophic fatal airliner accidents in which smoke in the cockpit has been a cause or a factor during that period.

Like with U.S. Airways Flight 1549, seconds count. Fortunately, in that case the pilot could see to land, even if under very difficult conditions. If the emergency had been continuous, unstoppable smoke in the cockpit and the pilot had been unable to see, it is unlikely we would have had such a happy outcome.

I raised this issue during a Transportation and Infrastructure Committee hearing on the bill in February. The FAA contends that existing systems and procedures are adequate. I am not convinced, and I welcome an investigation of this issue by the GAO.

Ms. KILROY. Mr. Chairman, I appreciate the support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FRELINGHUYSEN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part C of House Report 111–126.

Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk that I intend to withdraw at the appropriate time.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FRELINGHUYSEN:

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AIRSPACE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on the proposed New York/New Jersey/Philadelphia Class B modification design change.

(b) CONTENTS.—In conducting the study, the Administrator shall determine the effect of such proposed change on the environment, and, in particular, with regard to airplane noise, and shall state whether this proposed change was considered in conjunction with the on-going New York/New Jersey/Philadelphia Metropolitan Airspace Redesign.

(c) REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a) not later than 30 days after the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 464, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to engage in a colloquy with the chairman of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Mr. Chairman, as you know, I have long been concerned about aircraft noise over northern New Jersey. However, time and time again the Federal Aviation Administration has turned a deaf ear to the tremendous impact air noise has made on our quality of life.

Lately, there has been considerable discussion about increasing transparency in our government. However, it has been extremely difficult to obtain information from the FAA about proposals that will have significant negative impacts on my constituents.

I offer this amendment because there have been conflicting reports about the proposed changes by the FAA to the Class B airspace in the New York and New Jersey metropolitan area.

Following several inquiries to the FAA, including a letter from the gentleman from New Jersey (Mr. GARRETT) and me to FAA Acting Administrator Lynne Osmus, the FAA has not been forthcoming with its plans about this proposed airspace change.

Together, with many of my colleagues in the region, I feel very strongly that the FAA must make its plans public and be held accountable for the effects. As the FAA continues to redesign the airspace in our region, it cannot push forward another proposal that may lead to even more noise for my constituents on the ground. They have a right to know what changes are being considered and certainly what changes are being implemented, as these changes will affect their lives and livelihoods.

I look forward to working with the chairman and the ranking member in the future to get information on these proposals and to ensure that all of our constituents are fully informed about the FAA's future plans.

I yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding, Mr. Chairman, and want to commend him for pursuing so vigorously this issue, and I deplore the lack of response from the FAA, as we heard earlier in the day on the rule from the gentleman from Florida, who appealed many times to the FAA, and got no response to his concerns.

This process of redesign of the east coast airspace has been going on for 9 years, this particular plan. There are other plans that have been going on for 20 years. They should have been adequately discussed in the public domain. The Members of Congress should have been engaged in the process, and we're going to change that. We're going to make this happen.

And I want to assure the gentleman that we will work hand-in-glove with the gentleman, the chairman of the Aviation Subcommittee, the distinguished ranking member of the subcommittee, the ranking member of the full committee.

I would just like to inquire of the gentleman about Atlantic City airport. Is that in the gentleman's district?

□ 1615

Mr. FRELINGHUYSEN. That's a little farther south from where I live.

Mr. OBERSTAR. If service were routed to Atlantic City, would that divert noise from the gentleman's constituents?

Mr. FRELINGHUYSEN. We've always believed in an ocean route. Whether the people in the Atlantic would want to have what we've been having to bear, I would doubt it.

Mr. OBERSTAR. Well, I think there is additional capacity. This is the world's busiest airspace. The New York TRACON handles more aircraft movement than all of Europe combined. Finding places for those aircraft to approach and depart is extremely difficult. But there is capacity at Stuart Air Force Base, which is a joint use facility, and there is capacity at Atlantic City. All it needs is a surface rail line. And that would allow ocean approaches that would take noise away from the gentleman's constituencies, and from those in New York and from elsewhere. I'm going on way too long because we want to conclude this debate and get to the final votes.

But I know that the gentleman's colleague, Mr. LOBIONDO, is very strong in support of service from Atlantic City. It would relieve noise from the gentleman's airport to move aircraft in that facility. It has a 10,000 foot runway. It has a taxiway. It has unused capacity. And it could relieve the New York airport situation, relieve the noise from the gentleman's constituency.

So let's work together. Let's have the FAA in for some discussions and pursue this matter further.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. I thank the chairman very much for his time, as well as Mr. COSTELLO's interest. I was involved in helping fund through the appropriations process this air design. So when we're shut out of the process when they're making plans, I think we have a right to be concerned.

If I may, I would like to yield to the gentleman from Wisconsin, the ranking member.

The Acting CHAIR. The gentleman has 5 seconds.

Mr. PETRI. I would like to give my hardworking and conscientious colleague from New Jersey every assurance that I will work with him.

Mr. FRELINGHUYSEN. I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 11 OFFERED BY MRS. LOWEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part C of House Report 111–126.

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. LOWEY:

Page 198, after line 25, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 515. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) DEADLINES.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

The Acting CHAIR. Pursuant to House Resolution 464, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, this amendment would initiate a rulemaking process by the FAA to determine whether Westchester County Airport may reinstate its overnight aircraft restrictions.

Owned and operated by Westchester County, the airport has had voluntary restrictions between midnight and 6:30 a.m. since its mandatory curfew was removed in the early 1980's. For nearly twenty years, all of the operators at the airport were abiding by the voluntary curfew. However, business at the airport has expanded tremendously, with more and more flights disregarding the curfew, which disrupts communities throughout the overnight hours and makes the County's environmental upkeep in the area more demanding.

Just miles from New York City, this airport is an important gateway for commercial and business aircraft in the area. However, it was never designed to accommodate so many aircraft. Bound by the borders of New York and Connecticut, the airport's physical infrastructure cannot expand further.

Westchester County, in conjunction with its commercial carriers, has imposed limits on terminal capacity. Yet, with business and corporate jets comprising fifty percent of the estimated 167,000 take offs and landings at the airport this year, the agreed upon guidelines and voluntary restrictions have not been fully honored.

This amendment directs FAA to evaluate Westchester County's request to reinstate its overnight curfew, potentially easing congestion in the heavily-trafficked New York airspace and providing the residents in both New York and Connecticut with needed relief from overnight operations. I urge my colleagues to support it.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. LOWEY. I would be delighted to yield.

Mr. OBERSTAR. We are prepared to accept the gentlewoman's amendment. It's a reasonable and thoughtful approach, and it will work. And we will support the gentlewoman.

Mrs. LOWEY. Thank you so much, Mr. Chairman. I have always been impressed with your wisdom and your thoughtfulness, and I thank you very much for accepting this amendment.

I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by my esteemed colleague from New York (Mrs. LOWEY).

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. In 1981, Westchester County enacted a curfew that banned all aircraft from operating between the hours of midnight and 7 a.m. This curfew was made against the advice of the FAA, and was immediately struck down by a Federal court. The Court also issued a permanent injunction in part because Westchester was unable to justify the curfew with any evidence of a noise problem. Furthermore, the Court found that the curfew was in violation of the commerce clause because it imposed an undue burden on New York metropolitan air transportation.

Simply put, this amendment would remove the permanent injunction on this unjustified curfew and arbitrarily restrict airspace access without requiring Westchester County to make its case. This matter has been dealt with in the appropriate place, the Federal courts. The airport has a process available to make its case for such a restriction, but has chosen not to comply.

The amendment sidesteps a process that applies to every other airport and would disrupt air travel in the New York area airspace. On those grounds, I urge my colleagues to join me in opposing the amendment.

The Acting CHAIRMAN. The gentlewoman from New York has 4½ minutes remaining.

Mrs. LOWEY. I'd like to thank the chairman for accepting this amendment. I would be delighted to work with Mr. PETRI and Mr. MICA, who also said that although he had concerns, he wouldn't object to the amendment.

All this amendment does is direct it to be studied. It directs it to be studied. It's not implementing the changes.

I reserve the balance of my time.

Mr. PETRI. I yield to my colleague from Florida.

Mr. MICA. Mr. Chairman, and gentlelady from New York, I just want to express, through the Chair, that we do have concerns. We've expressed concerns. We are willing to work with the gentlelady and accept her amendment at this time. But our reservations have been noted for the record.

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

Mrs. LOWEY. I thank the chairman for accepting the amendment.

Mr. ENGEL. Mr. Chair, for over 25 years the overnight flight restrictions at Westchester County Airport have been voluntary. Unfortunately some airlines have disregarded the voluntary restrictions and have scheduled flights between midnight and 6:30 a.m.

It is because of these few airlines disrespecting the residents of Westchester County and disrespecting the airlines who do comply with the voluntary curfew that this amendment is needed.

It would direct the FAA to follow the proper processes to determine if the Westchester County Airport should receive the authority to make the overnight flight curfew mandatory.

While I recognize that the Westchester County Airport is vital to the economy of the region, I don't believe that the residents should have to endure the noise of planes taking off and landing at 3 a.m.

Additionally, allowing more planes to take off and land at all hors of the night will increase not just noise pollution, but air and water too.

On another matter: the FAA concocted the New York, New Jersey, Philadelphia airspace redesign with zero input from the residents it harms the most, especially because it would put an additional 200–400 flights a day over my constituents in Rockland County. This New York. New Jersey, Philadelphia airspace redesign should be scrapped.

The hundreds of additional planes flying over Rockland will contribute to the already increasing pollution levels in the area. The noise level will also be substantially increased, yet the FAA has been unable to give me or the affected residents the information on how loud each plan will be, just 24-hour averages.

It is likely that first responders would have to be trained for the event of an airplane crash, causing added costs to local police, fire, and EMT departments that are already stretched thin. In addition, we have not gotten a clear signal whether the flight plans will route commercial aircraft over Indian Point, an extremely dangerous scenario. This airspace redesign proposal for New York, New Jersey, and Philadelphia should not be implemented.

Mrs. LOWEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ACKERMAN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part C of House Report 111–126.

Mr. ACKERMAN. I rise in support of the amendment which I have at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ACKERMAN:

Page 259, after line 22, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 826. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) FINDING.—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200-33B 2, entitled ''Hazardous Wildlife Attractants on or Near Airports'';

(2) Advisory Circular Number 150/5300-13, entitled ''Airport Design''; and

(3) the publication entitled ''Policies and Procedures Memorandum—Airports Division'', Number 5300.1B, dated Feb. 5, 1999.

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

The Acting CHAIRMAN. Pursuant to House Resolution 464, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I offer this simple amendment on behalf of myself and the gentleman from New York (Mr. CROWLEY). This has to do with safety trumping garbage. It has to do with common sense.

The City of New York Department of Sanitation has proposed a marine transfer station. These are generally built on the shoreline because trash is compacted there and put on barges and then carted away on the Long Island Sound or the East River or the Hudson River.

Of all the shoreline places to build this, would you suspect the one place that would be picked by the Department of Sanitation would be directly opposite one of the biggest active runways, one of the most active runways in the whole United States of America, where planes take off and land approximately every 20 seconds. I'm talking about LaGuardia Airport, the airport with the largest number of flights in New York City.

This is an aerial view of the airport. This is LaGuardia Airport's runway. LaGuardia Airport, most people don't know, has only two runways for all of these great number of flights.

The garbage plant is planned right over here, opposite the runway, 2,000 feet away. The rules and regulations of the FAA, which is what we're asking for in this amendment to be implemented and utilized, say that you should not put a garbage treatment plant anywhere near the runway protection zone which is currently 2,000 feet away. This is 2,000 feet—less than that—according to this map which we downloaded from Google.

There will be a new flight slope plan implemented that the FAA has approved which says it can't be within 2,500 feet. Why would you put a garbage facility, an attractant to birds, less than 2,000 feet away from one of the most active runways?

The gentleman from New York (Mr. HALL) requested of the FAA, they declined, and Secretary of Transportation LaHood overruled them and released the number of bird strikes at airports around the country. Last year there were 87 bird strikes at LaGuardia Airport alone.

Now, our pilots are good. You might have seen a little news report that said they can even land on water. And indeed, that's what happened when one of our jets was struck by birds.

Garbage is an attractant to birds. The FAA rules and recommendations say don't put these things in the runway protection zone. Our amendment simply says to the FAA, you have to follow your own guidelines.

Put it anywhere else. There's a political concern here, and the political concern is not a NIMBY concern. This will most likely be in mine or Mr. CROWLEY's district. It borders both of our districts right now.

This site is the least politically damaging to us because it's in a commercial area. Any other place that they will move it will cause us some political concerns. But those political concerns that we will have to suffer if they move this anywhere up and down the coast in either of our districts is not as important to the safety of the flying public.

I reserve the balance of my time.

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

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. This amendment, unfortunately, is a local issue that we're putting into a Federal piece of legislation that is very important for safety; and the gentleman, who I greatly respect, Mr. ACKERMAN, is trying to do the best he can to make arguments that this dump poses safety concerns and hazards to aviation. I don't have the capability of making that determination, nor does Congress. We rely on the FAA. They have looked at this. They say that it does not pose a hazard to air navigation.

That being said, I like Mr. ACKERMAN, and sometimes I find myself in the situation like Mr. ACKERMAN, and you try to use any means you can to satisfy concerns about a project, whether it be local, State or Federal to the best benefit of your constituents.

So therefore, I am not going to call for a vote. I'm not going to actively oppose. I probably will quietly say no to this and let it pass.

I reserve the balance of my time.

Mr. ACKERMAN. I yield briefly to the Congressman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman for yielding. I listened very carefully to the objections. And let me just say that if LaGuardia Airport is forced to close for 10 minutes, it sets off an explosion that affects the entire flight paths of the Eastern seacoast. So whatever does happen, we were very fortunate that we had Captain Sullenberger, who was able to land Flight 1549 safely.

This is not just a local concern. This is a concern, I think nationally as well. The number of geese or fowl that disrupt air travel happens more often than the public was led to believe.

I think that building a facility for waste transfer within 2,000 feet of the runway is simply ludicrous. We shouldn't be doing that. I think that the City of New York and the Department of Sanitation needs to rethink this one and send it back to the drawing board.

GARY ACKERMAN and myself are calling foul right now. This should not happen. We're sending that message home to our folks back in New York.

Mr. MICA. I reserve the balance of my time to close.

Mr. ACKERMAN. I would yield back the balance of my time.

Mr. MICA. Mr. Chairman, might I inquire as to the time remaining?

The Acting CHAIRMAN. The gentleman from Florida has 3½ minutes remaining.

Mr. MICA. I yield myself the balance of my time.

□ 1630

Well, this is the conclusion, really, on the debate of the FAA authorization. It ends with a question of whether we should close the dump or keep the dump open.

As I said, I have the greatest respect for Mr. ACKERMAN and also for Mr. CROWLEY, and I know what they're trying to do for their constituents. So I rise in very quiet opposition, but I do have to state the facts, that this is not a matter that really should be in the bill, but we'll try to assist our colleagues as they're trying to do the best they can for their constituents.

On the larger question of the bill, Mr. Chairman and my colleagues, I also rise in opposition to the bill, somewhat quietly. Every Member can vote the way they'd like. I'm not telling or asking Republican Members to vote one way or another, but you do have to be the judge of what we're doing here today. It is important that we do reauthorize the Federal Aviation Administration. We've had a 2-year delay, not of any fault of my colleagues under the great leadership of Mr. OBERSTAR, Mr. COSTELLO, and Mr. PETRI, our ranking

member. We've done our level best to make certain that we have the policy, the projects, and the funding to have the safest aviation system in the world. They can be very proud of their work.

Now, we do have some differences of opinion on some particular provisions. This was voted on before, and some circumstances have changed. We have a new President. He is trying to resolve a very contentious labor issue. I don't like putting that issue in now. That's different than when we voted on it before. We did have a different President and a different situation. So here I am, a Republican, saying we need to support our President, but we need to do that and to not set a bad precedence for all labor issues to be drug before Congress in this manner.

Then, on the question of job creation and job killing, I don't know how many jobs are in the provisions for insisting on this mandated inspection of foreign repair stations. That sounds good, but it reverts us back to a time when we used to do that in the United States. Twice a year, we would inspect every one of these stations whether we needed to or not, and that was a diversion of our resources. We changed that to a risk-based system, and that's what we need to maintain both domestically and internationally.

Finally, 95 percent of this bill was debated before. There is an antitrust immunity provision that does repeal some provisions we've given to airline alliances. It's a job killer. It's estimated to be over 100,000 jobs. I don't know how many. At a time when people will come to us as we return to our districts over Memorial Day weekend, we can't leave here and say that we've eliminated more jobs. Many of these jobs, whether they're repair stations or the airline industry, are good-paying jobs that people need so desperately today.

So the question before us is how we vote on this particular legislation at this time and place and with these particular provisions. Some are good. Some are bad. I choose to vote ''no'' today. I'm sorry.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 111–126 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. BURGESS of Texas.

Amendment No. 6 by Mr. MCCAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 19, as follows:

[Roll No. 288]

AYES—420

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
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
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
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
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Bachmann
Barrett (SC)
Berkley
Boyd
Deal (GA)
Driehaus
Flake
Johnson (GA)
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Perlmutter
Sablan
Sánchez, Linda T.
Speier
Stark

The Acting CHAIR. There are 2 minutes remaining in this vote.

□ 1659

Messrs. ALTMIRE, BUTTERFIELD, and MINNICK changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 6 printed in part C of House Report 111–126 by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 20, as follows:

[Roll No. 289]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
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)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
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
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
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
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
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Moran (VA)
Rahall

NOT VOTING—20

Bachmann
Barrett (SC)
Berkley
Boyd
Clay
Deal (GA)
Driehaus
Flake
Higgins
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Nunes
Perlmutter
Sablan
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1707

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. JACKSON of Illinois, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, pursuant to House Resolution 464, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CAMPBELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAMPBELL. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Campbell moves to recommit the bill H.R. 915 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of title IV of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 426. PROHIBITION OF FUNDING FOR OTHERWISE ELIGIBLE PLACE.

(a) FINDINGS.—Congress finds the following:

(1) When the Airline Deregulation Act of 1978 (Public Law 95–504) was enacted, 746 communities in the United States and its territories were listed on air carrier certificates issued under the Federal Aviation Act of 1958 (Public Law 85–726).

(2) In order to address concern that communities with lower traffic levels would lose service entirely, Congress created a program where, as needed, the Department of Transportation pays a subsidy to an air carrier to ensure that the specified level of service is provided.

(5) Most of the small communities eligible for the program do not require subsidized service.

(6) As of April 1, 2009, the Department of Transportation was subsidizing service at 108 communities in the contiguous 48 States, Hawaii, and Puerto Rico and 45 communities in Alaska.

(7) Air service to Johnstown, Pennsylvania, is subsidized by the United States taxpayer. Each week, 6 commercial flights take off from or land at the John Murtha Johnstown-Cambria County Airport to or from Washington Dulles International Airport.

(8) Service to John Murtha Johnstown-Cambria County Airport is subsidized at a rate of $1,394,000 a year through June 30, 2010.

(9) Since 1990, the John Murtha Johnstown-Cambria County Airport has undergone $160,000,000 in improvements that include airport improvement program, military, commercial, and infrastructure projects.

(10) The total Federal investment in airport projects at John Murtha Johnstown-Cambria County Airport has been approximately $150,000,000.

(11) Over the last 10 years, the John Murtha Johnstown-Cambria County Airport has received Federal funding, including—

(A) $800,000 for a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) to rehabilitate a runway;

(B) $20,000,000 for a runway extension project;

(C) $750,000 for a 99-year lease of adjoining airport land;

(D) $6,000,000 for a state-of-the-art digital radar surveillance system;

(E) $5,000,000 for a new air traffic control tower;

(F) $14,000,000 for Marine Corps helicopter hangar and reserve training center;

(G) $1,200,000 in 2007 for airport improvement projects;

(H) $2,760,000 in 2006 for airport improvement projects;

(I) $1,000,000 in 2005 for airport improvement projects;

(J) $1,600,000 in 2004 for airport improvement projects; and

(K) $739,452 in 2003 for airport improvement projects.

(12) It is both wasteful and irresponsible to use United States taxpayer dollars to continue to subsidize air service to an airport that has received approximately $150,000,000 in Federal funding, but has achieved no improvement in commercial service provided to the airport without subsidization.

(b) PROHIBITION OF FUNDING FOR OTHERWISE ELIGIBLE PLACE.—Section 41742(a) is amended by adding at the end the following:

''(4) PROHIBITION ON FUNDING FOR OTHERWISE ELIGIBLE PLACE.—Notwithstanding any other provision in law, no amounts authorized under paragraphs (1) and (2) shall be used for the provision of subsidized air service to an otherwise eligible place if the eligible place has a public airport located 3 miles northeast of Johnstown, Pennsylvania, that offers scheduled commercial air carrier service and general aviation service and has a joint military control tower.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

□ 1715

Mr. CAMPBELL. Mr. Speaker, as of April 1, 2009, the Department of Transportation subsidized air service to 108 communities in 48 the continental United States, Hawaii and Puerto Rico and 45 communities in Alaska. One of those subsidized airports is the John Murtha Johnstown-Cambria County Airport in Johnstown, Pennsylvania.

This airport handles six commercial flights a week—six a week—to one place, Washington, D.C., a location all of 3 hours' drive from Johnstown, Pennsylvania. But for those six commercial flights a week, less than one a day to a place only 3 hours' drive away, the Federal taxpayer has spent $150 million in improvements since 1990. Included in that $150 million is $20 million for a runway extension, making the runway large enough to accommodate any aircraft in North America, $800,000 in the most recent stimulus package for runway rehabilitation, $6 million for a radar surveillance system, $5 million for a new air traffic control tower, and over $1 million every year for improvements since 2004. And that's just for the capital improvements.

In addition, the Federal taxpayer spends $1,394,000 every year in subsidies to the single air carrier making, remember, less than one flight a day out of this airport. That, by the way, computes to nearly $5,000 in subsidy per flight, which takes less than 45 minutes since it's only 3 hours' drive away.

The defenders of this airport say that it has military use in addition; and in fact, it does. The defenders of this airport point out that there were 28 military deployments out of this airport over the last decade. That would be three deployments per year. So six flights a day, three deployments per year. We all know about the bridge to nowhere. Mr. Speaker, there was a bridge to nowhere, and this is surely the airport for no one.

To say that this is wasteful understates how bad it is. I wish we could get all our money back, but we can't. But what we can do is pass this motion to recommit, which simply says that no money in this bill is going to be used to further subsidize or improve the John Murtha Johnstown-Cambria County Airport.

Mr. Speaker, we have debts and deficits as far as the eye can see. If we can't stop wasting the taxpayers' money on boondoggles as obvious as this one, why should the public trust us at all with any of their money?

Please support this motion to recommit.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. This is a surprising amendment. This is the first negative earmarking that I have witnessed in Congress. It is no less than an assault upon essential air service to rural America. To those on the other side, Mr. Speaker, who are laughing now, I wonder what their reaction will be when another amendment comes to deny funding for essential air service to an airport in their communities. They won't be laughing.

This is essentially a harsh amendment. It's aimed at an airport named for a sitting Member of Congress. The airport was not named by action of the Congress. It was not named by a Federal agency. It was named by the county commissioners of Cambria County. This airport serves 1,000 military personnel. It serves the Pennsylvania National Guard. It serves the U.S. Marine Corps Reserve and the U.S. Army Reserve, and these units have been deployed 28 times in the last 10 years in service of the United States abroad.

The amendment provides that no amount authorized under paragraphs 1 and 2, meaning paragraphs 1 and 2 of the essential air service act now in law, may be used. That's funding for airports in small communities and their residents who had commercial air service prior to deregulation in 1978—I'm the author of that provision in the Airline Deregulation Act of 1978—to ensure that small towns in rural areas would not be cut out of America's national system of airports and airport service and airline service. It has worked effectively. Congress has trimmed it back where it's been necessary.

These contracts are awarded by the Department of Transportation for 2 years at a time, revocable, subject to termination at the end of the 2-year period, and reviewed again by the Department of Transportation. If the airport, the airline, the community are not using the funds effectively, DOT can and has terminated EAS service where that service does not meet the standards of their contract.

By act of Congress to say we're going to terminate essential air service funding to a rural community in this America, 150 of us are at risk. If by legislative fiat you can say no to funding this community, no to the people in rural America who want access to greater America, then we're all at risk. This is wrong. This is mean-spirited. Vote it down.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. CAMPBELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 154, noes 263, not voting 16, as follows:

[Roll No. 290]

AYES—154

Akin	Cantor	Gerlach
Austria	Capito	Gingrey (GA)
Bachus	Carter	Gohmert
Barton (TX)	Cassidy	Goodlatte
Biggert	Castle	Granger
Bilbray	Chaffetz	Graves
Bilirakis	Coble	Guthrie
Bishop (UT)	Coffman (CO)	Halvorson
Blackburn	Cole	Harper
Blunt	Conaway	Hastings (WA)
Boehner	Cooper	Heller
Bono Mack	Culberson	Hensarling
Boozman	Davis (KY)	Herger
Boustany	Diaz-Balart, L.	Hoekstra
Brady (TX)	Diaz-Balart, M.	Hunter
Bright	Dreier	Inglis
Broun (GA)	Duncan	Issa
Brown-Waite, Ginny	Ehlers	Jenkins
	Fallin	Johnson (IL)
Buchanan	Fleming	Johnson, Sam
Burgess	Forbes	Jordan (OH)
Burton (IN)	Fortenberry	Kilroy
Buyer	Foxx	King (IA)
Calvert	Franks (AZ)	King (NY)
Camp	Gallegly	Kirk
Campbell	Garrett (NJ)	Kirkpatrick (AZ)

Kissell
Kline (MN)
Kosmas
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—263

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
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 (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bachmann
Barrett (SC)
Berkley
Boyd
Deal (GA)
Driehaus
Flake
Kaptur
Kingston
Lofgren, Zoe
Markey (CO)
McHugh
Nunes
Perlmutter
Sánchez, Linda T.
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes to vote.

□ 1741

Messrs. WHITFIELD and TEAGUE changed their vote from ''aye'' to ''no.''

Messrs. BUYER and BACHUS changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, we will not have a closing colloquy, obviously, because we are going on a break. We end what was, from the perspective of many, agree or disagree, a very productive period. As we face now this Memorial Day break, I want to thank all the Members.

I think we have done a lot of work over the last 5 months. I think it has been a very humane schedule. I hope all of you believe that, as well, that we have pretty much done it in a time frame. That is the good news.

The bad news is we are going to be moving into June and July. I want to put all of you on notice, as I have told many Members, that I expect June and July to be very busy months with much work and authorization bills coming out of committees, and I also expect for us to do the appropriation bills during the months of June and July.

The reason I rise is to say, as you know, that most Fridays in June and July, with the Fourth of July break, of course, being the exception, most Fridays will be days that my expectation is we will be doing work. This Friday was a day that we were going to work, but we won't be doing work. The supplemental is not able to be considered at this point in time.

The other thing that I wanted to rise and tell all Members is that we have gotten into a syndrome. Many of you on both sides of the aisle have talked to me about this. And I agree with you. I count myself in this, so I'm not pointing fingers at anybody exclusively. But frankly, all of us have gotten into a syndrome that when the bells ring, we watch how many have voted rather than how much time is left. That obviously is not thoughtful to those who do come here to vote within the time frame available. And very importantly, to the extent that the votes drag out, we have our committees in session with hearings that have taken a break. Chairman FRANK and a number of other Members have talked to me about it. We leave secretaries of departments and other very busy and important witnesses, and all of our witnesses are treated without courtesy. That is not a good thing for any of us to do.

□ 1745

So I say when we come back—and we've tried this before and it's very difficult, but Members obviously don't get there on time, and some of you are going to be angry with me on both sides of the aisle, but I'm going to try to work with our presiding officers so that we keep to a much shorter period of time. We have been averaging 25, 26 minutes; and I would hope that all of us would cooperate with one another as a courtesy to each of us, our witnesses, and the work of this House.

I hope you have a wonderful Memorial Day break. Come back ready to report on time. Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. PETRI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 277, noes 136, not voting 20, as follows:

[Roll No. 291]

AYES—277

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks	Lance	Rangel
Dingell	Langevin	Reichert
Doggett	Larsen (WA)	Reyes
Donnelly (IN)	Larson (CT)	Richardson
Doyle	LaTourette	Rodriguez
Duncan	Lee (CA)	Rogers (KY)
Edwards (MD)	Lee (NY)	Ros-Lehtinen
Edwards (TX)	Levin	Ross
Ellison	Lewis (CA)	Rothman (NJ)
Ellsworth	Lewis (GA)	Roybal-Allard
Engel	Lipinski	Ruppersberger
Eshoo	LoBiondo	Rush
Etheridge	Loebsack	Ryan (OH)
Farr	Lowey	Salazar
Fattah	Luján	Sanchez, Loretta
Filner	Lynch	Sarbanes
Foster	Maffei	Schakowsky
Frank (MA)	Maloney	Schiff
Fudge	Markey (MA)	Schrader
Gerlach	Marshall	Schwartz
Giffords	Massa	Scott (GA)
Gonzalez	Matheson	Scott (VA)
Gordon (TN)	Matsui	Serrano
Grayson	McCarthy (NY)	Shea-Porter
Green, Al	McCollum	Sherman
Green, Gene	McCotter	Shimkus
Griffith	McDermott	Shuler
Grijalva	McGovern	Sires
Gutierrez	McIntyre	Skelton
Hall (NY)	McMahon	Slaughter
Halvorson	McNerney	Smith (NJ)
Hare	Meek (FL)	Smith (WA)
Harman	Meeks (NY)	Snyder
Hastings (FL)	Melancon	Space
Heinrich	Michaud	Speier
Herseth Sandlin	Miller (MI)	Spratt
Higgins	Miller (NC)	Stupak
Hill	Miller, George	Sutton
Himes	Mitchell	Tanner
Hinchey	Mollohan	Tauscher
Hinojosa	Moore (KS)	Taylor
Hirono	Moore (WI)	Teague
Hodes	Moran (KS)	Thompson (CA)
Holden	Moran (VA)	Thompson (MS)
Holt	Murphy (CT)	Thompson (PA)
Honda	Murphy (NY)	Tiahrt
Hoyer	Murphy, Patrick	Tierney
Inslee	Murphy, Tim	Titus
Israel	Murtha	Tonko
Jackson (IL)	Nadler (NY)	Towns
Jackson-Lee (TX)	Napolitano	Tsongas
	Neal (MA)	Van Hollen
Jenkins	Nye	Velázquez
Johnson (GA)	Oberstar	Visclosky
Johnson (IL)	Obey	Walz
Johnson, E. B.	Olver	Wasserman Schultz
Kagen	Ortiz	
Kanjorski	Pallone	Waters
Kennedy	Pascrell	Watson
Kildee	Pastor (AZ)	Watt
Kilpatrick (MI)	Payne	Waxman
Kilroy	Perriello	Weiner
Kind	Peters	Welch
King (NY)	Peterson	Wexler
Kirk	Pingree (ME)	Wilson (OH)
Kirkpatrick (AZ)	Platts	Wittman
Kissell	Polis (CO)	Wolf
Klein (FL)	Price (NC)	Woolsey
Kosmas	Quigley	Wu
Kratovil	Radanovich	Yarmuth
Kucinich	Rahall	Young (AK)

NOES—136

Aderholt	Camp	Gohmert
Akin	Campbell	Goodlatte
Alexander	Cantor	Granger
Austria	Carter	Graves
Bachus	Cassidy	Guthrie
Bartlett	Chaffetz	Hall (TX)
Barton (TX)	Coble	Harper
Bilbray	Coffman (CO)	Hastings (WA)
Bilirakis	Cohen	Heller
Bishop (UT)	Cole	Hensarling
Blackburn	Conaway	Herger
Blunt	Crenshaw	Hoekstra
Boehner	Culberson	Hunter
Bonner	Dreier	Inglis
Boozman	Ehlers	Issa
Boustany	Emerson	Johnson, Sam
Brady (TX)	Fallin	Jones
Bright	Fleming	Jordan (OH)
Broun (GA)	Forbes	King (IA)
Brown (SC)	Fortenberry	Kline (MN)
Brown-Waite, Ginny	Foxx	Lamborn
	Franks (AZ)	Latham
Buchanan	Frelinghuysen	Latta
Burgess	Gallegly	Linder
Burton (IN)	Garrett (NJ)	Lucas
Calvert	Gingrey (GA)	Luetkemeyer
Lummis	Paulsen	Sestak
Lungren, Daniel E.	Pence	Shadegg
	Petri	Shuster
Mack	Pitts	Simpson
Manzullo	Poe (TX)	Smith (NE)
Marchant	Posey	Smith (TX)
McCarthy (CA)	Price (GA)	Souder
McCaul	Putnam	Stearns
McClintock	Rehberg	Sullivan
McHenry	Roe (TN)	Terry
McKeon	Rogers (AL)	Thornberry
McMorris Rodgers	Rogers (MI)	Tiberi
	Rohrabacher	Turner
Mica	Rooney	Upton
Miller (FL)	Roskam	Wamp
Miller, Gary	Royce	Westmoreland
Minnick	Ryan (WI)	Whitfield
Myrick	Scalise	Wilson (SC)
Neugebauer	Schmidt	Young (FL)
Olson	Sensenbrenner	
Paul	Sessions	

NOT VOTING—20

Bachmann	Kaptur	Pomeroy
Barrett (SC)	Kingston	Sánchez, Linda T.
Berkley	Lofgren, Zoe	
Boyd	Markey (CO)	Schauer
Deal (GA)	McHugh	Schock
Driehaus	Nunes	Stark
Flake	Perlmutter	Walden

□ 1753

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2010 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend to a vote. Had I been present, my vote would have been "aye" on H.R. 915, FAA Reauthorization Act of 2009.

PERSONAL EXPLANATION

Mr. DRIEHAUS. Mr. Speaker, I regret that I was unable to cast a series of votes today on the floor of the House of Representatives.

Had I been present to vote on rollcall No. 286, Final Passage of the Conference Report on S. 454, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 287, a Motion to Suspend the Rules and Pass, as Amended, H.R. 1676, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 288, a Burgess (TX) Amendment to H.R. 915, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 289, a McCaul (TX) Amendment to H.R. 915, I would have voted ''aye'' on the question.

Had I been present to vote on rollcall No. 290, a Motion to Recommit H.R. 915, I would have voted ''no'' on the question.

Had I been present to vote on rollcall No. 291, Final Passage of H.R. 915, I would have voted ''aye'' on the question.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 915, FAA REAUTHORIZATION ACT OF 2009

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that in the engrossment of H.R. 915, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Ms. FUDGE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2200, TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–127) on the resolution (H. Res. 474) providing for consideration of the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IRAN'S LAUNCH OF A LONG-RANGE MISSILE

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

Mr. QUIGLEY. Madam Speaker, earlier this week, Iran tested a new long-range missile. This missile has a range of up to 1,200 miles and can reach our troops in the region, as well as many of our allies, including Israel.

This was not done in the name of peace. Rather, this launch was a grab at power, an attempt to threaten Israel and our other allies in the region. Now, more than ever, we must stand by our friends.

Iran, on the other hand, can only rejoin the society of nations with an olive branch, not a ballistic missile. We must not allow our allies in Israel and across the Middle East to fall under the threat of a nuclear Iran, nor can we allow Iran to achieve a dominant position in the region through intimidation.

The safety and security of millions of people depend on a strong and determined stance by the American people and all of the community of nations.

CONGRATULATING THE PENN STATE LADIES RUGBY TEAM

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to congratulate the Penn State Ladies Rugby Team on winning the Division I National Championship. They tromped the defending champions, Stanford, with a score of 46–7 in the game that took place at the beginning of May.

While the Stanford team had home field advantage and a national title to defend, Penn State coach Pete Steinberg said, ''The key to our success this year has definitely been our defense.''

Two of the Nittany Lions players were given Most Valuable Player honors for their aggressive play: Kate Daley and Sadie Anderson, a freshman.

Penn State marked its second win against the Stanford Cardinals in the two teams' past five meetings for the championship finals. It was the largest margin of victory since Stanford's win over Penn State in 2005, which was 53–6

It is clear a healthy rivalry exists between these two powerhouse rugby teams, and I commend the Penn State for its perseverance and its victory this year.

□ 1800

WELCOME NEWS FOR THE CONSTITUENTS OF NEW YORK'S 11TH CONGRESSIONAL DISTRICT

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

Ms. CLARKE. Madam Speaker, the passage of the H.R. 915 is welcome news for the constituents of New York's 11th Congressional District, whom I have the honor of representing here in Congress. My district includes Park Slope, Carroll Garden and Windsor Terrace neighborhoods of Brooklyn, which are directly affected by noise produced from airplanes approaching and leaving LaGuardia International Airport.

H.R. 915 specifies that it is the ''sense of the House that the Port Authority of New York and New Jersey undertake an airport noise compatibility planning study'' that pays particular attention to ''the impact of noise on affected neighborhoods.'' This provides much-needed relief and protection to the residents that have been disproportionately affected by noise pollution, and I stand with my constituents in applauding its passage.

This bill prohibits the use of certain aircraft that do not comply with Stage 3 levels, and provides a discretionary $300 million annually for the AIP noise program in conjunction with other noise pollution and environmental impact provisions.

CAP-AND-TRADE

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

Mr. OLSON. Madam Speaker, as the House moves closer to taking up legislation to tax carbon emissions of American businesses, we must consider the real costs versus the theoretical benefits.

Recent CBO analysis indicates the potential loss of jobs in my home State of Texas, by the year 2020, due to the cap-and-tax bill that is before the House now to be between 53,000 and 300,000 jobs, resulting in a loss of personal income between $3.9 billion to $22.8 billion. CBO also estimates that a 15 percent mandatory reduction in carbon dioxide emissions could cost the average household $1,600 in higher energy prices, with a disproportionate burden placed on low-income families.

Energy costs are already high, and we're experiencing one of the worst economic periods in history. Economic impacts aside, we must also look at whether this costly program will achieve its intended goals. The answer, based on the evidence before us, is clearly no. A global problem requires a global solution. Unilateral U.S. action will only hurt our country's ability to compete in a global marketplace.

Texas and America simply cannot afford to further cripple our already fragile economy with a risky, costly Federal mandate that does little or nothing to impact the global climate.

CONDITIONAL ADJOURNMENT TO MONDAY, MAY 25, 2009

Mr. FILNER. Madam Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 3 p.m. on Monday, May 25, 2009, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 133, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

FAA REAUTHORIZATION ACT OF 2009

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, because of competing responsibilities, chairing a committee dealing with the question of our automobile bankruptcy issues and the impact on automobile dealers and service providers, I missed the opportunity to join with my colleagues in supporting the FAA Authorization Act of 2009, H.R. 915. So I rise today to emphasize the importance of this legislation very quickly to the 18th Congressional District in Houston, and to applaud the fact of a flight crew fatigue provision that will allow a study on the fatigue of pilots in order to avoid the tragedies that have occurred in recent weeks and days.

Let me also applaud the FAA personnel management system. Having met with air traffic controllers, it is important for the FAA to come to agreement with the workers and the hard workers of the air traffic controllers. It is time to have a labor agreement, and this bill allows it.

And finally, for my constituents to have a telephone number—listen out, my constituents at IAH—to call if you hear that there is noise in the area, the airport will be required to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to address their remarks to the Chair.

IRAN'S TICKING TIME BOMB

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

Mr. MCHENRY. Madam Speaker, I rise today to call attention to the ticking time bomb in Tehran. The IAEA reports that Iran has enriched enough uranium to make a nuclear bomb. Once weaponized, Iran's nuclear capabilities threaten the existence of Israel and our allies throughout the region.

President Obama's open hand of soft diplomacy has been met with firmly clenched fists by Iran's Supreme Leader, Ayatollah Khamenei. With the clock ticking, the President must heed the advice of Defense Secretary Gates and proceed with stricter economic sanctions on Iran.

The administration has threatened to drag its feet on Iran until Israel accepts its terms for a two-state solution. While peace between the Israelis and the Palestinians should be a priority, I urge the President to reconsider using this as a precondition for stopping the Iranian nuclear threat and nuclear weapon.

INVESTIGATION INTO ALLEGATION ABOUT THE CIA

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

Mr. BURTON of Indiana. Madam Speaker, the CIA and our other intelligence agencies have protected this country from every attempt at a terrorist attack since 9/11.

And yet the Speaker of this House recently said that the CIA had been lying to her and to Congress. According to title 18 of U.S. Code, that is a felony. And if the CIA lies to the Congress, there should be a penalty. They should go to jail.

But the Speaker will not allow, and the Democrats will not allow, there to be an investigation as to whether or not the Speaker's allegations are accurate. And it's very sad because she is impeding and impairing the CIA from doing its job.

We haven't had a terrorist attack in 7½ years because of their intelligence capability, and because they've done their job. And they have been hurt, severely, by the accusations leveled by the Speaker of the House, and she is not willing to prove that.

Today we introduced a resolution to investigate this, and every Democrat in the House voted against it. I think it's tragic.

This country is at war with the terrorists. We need to do everything we can to protect our intelligence agencies. And if she said they lied, then she has to prove it.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), I am pleased to reappoint Admiral William O. Studeman of Great Falls, Virginia to the Public Interest Declassification Board.

Our previous appointee, the Honorable David Skaggs, intends to resign effective June 5, 2009. His initial appointment was made because of the change in Congress and the presumed statutory intent of the Board with the understanding that he would resign at the end of his term.

Admiral Studeman has expressed interest in reappointment and as such, I am pleased to do so.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

AGREEMENT WITH UNITED ARAB EMIRATES CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–43)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement provides a comprehensive framework for peaceful nuclear cooperation with the United Arab Emirates (UAE) based on a mutual commitment to nuclear nonproliferation. The United States and the UAE are entering into it in the context of a stated intention by the UAE to rely on existing international markets for nuclear fuel services as an alternative to the pursuit of enrichment and reprocessing. Article 7 will transform this UAE policy into a legally binding obligation from the UAE to the United States upon entry into force of the Agreement. Article 13 provides, inter alia, that if the UAE at any time following entry into force of the Agreement materially violates Article 7, the United States will have a right to cease further cooperation under the Agreement, require the return of items subject to the Agreement, and terminate the Agreement by giving 90 days written notice. In view of these and other nonproliferation features, the Agreement has the potential to serve as a model for other countries in the region that wish to pursue responsible nuclear energy development.

The Agreement has a term of 30 years and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

In addition to the UAE's obligation to forgo enrichment and reprocessing—the first instance of such an obligation on the part of a U.S. cooperating partner in an agreement of this type—the Agreement contains certain additional nonproliferation features not typically found in such agreements. These are modeled on similar provisions in the 1981 U.S.-Egypt Agreement for Peaceful Nuclear Cooperation and include (a) a right of the United States to require the removal of special fissionable material subject to the Agreement from the UAE either to the United States or to a third country if exceptional circumstances of concern from a nonproliferation standpoint so require, and (b) confirmation by the United States that the fields of cooperation, terms, and conditions accorded by the United States to the UAE shall be no less favorable in scope and effect than those that the United States may accord to any other non-nuclear-weapon State in the Middle East in a peaceful nuclear cooperation agreement. The Agreement also provides, for the first time in a U.S. agreement for peaceful nuclear cooperation, that prior to U.S. licensing of exports of nuclear material, equipment, components, or technology pursuant to the Agreement, the UAE shall bring into force the Additional Protocol to its safeguards agreement.

The UAE is a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The United States is a nuclear-weapon State party to the NPT. Article 12 of the proposed Agreement provides that the Agreement shall not be interpreted as affecting the inalienable rights of the United States and the UAE under the NPT. A more detailed discussion of the UAE's intended civil nuclear program and its nonproliferation policies and practices is provided in the NPAS and in a classified Annex to the NPAS to be submitted to the Congress separately.

The Agreed Minute to the Agreement provides U.S. prior approval for retransfers by the UAE of irradiated nuclear material subject to the Agreement to France and the United Kingdom, if consistent with their respective policies, laws, and regulations, for storage or reprocessing subject to specified conditions, including that prior agreement between the United States and the UAE is required for the transfer of any special fissionable material recovered from any such reprocessing to the UAE. The transferred material would also have to be held within the European Atomic Energy Community subject to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM).

In view of the fact that this consent would constitute a subsequent arrangement under the Act if agreed separately from the proposed Agreement, the Secretary of State and the Secretary of Energy have ensured that the advance approval provisions meet the applicable requirements of section 131

of the Act. Specifically, they have concluded that the U.S. advance approval for retransfer of nuclear material for reprocessing or storage contained in the Agreed Minute to the proposed Agreement is not inimical to the common defense and security. An analysis of the advance approval given in the Agreed Minute is contained in the NPAS.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 21, 2009.*

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 LONG LAMENTABLE DARKNESS OF WAR AND THE PATRIOTS WHO BRING THE MORNING LIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it's been solemnly said that ''the story of America's quest for freedom is inscribed on her history in the blood of her patriots.'' Those comments were made by Randy Vader.

America was born of war and has always had to fight to keep liberty's light shining very bright.

Monday is Memorial Day. We honor those of the military family who went somewhere in the world, fighting for America's ideals and protecting the rest of us, but did not return home. Their blood has stained and sanctified the lands of Europe, the Middle East, Asia, the Pacific Islands, the soil of America and places known only by God.

One of those warriors was Frank Luke. Madam Speaker, you may have never heard of him, but he is just one of the 4.4 million doughboys that went over there in World War I. He's an example of the young, tenacious American warrior.

This is a photograph of him taken shortly before his death in 1918. In World War I, in September of 1918, in just 9 days of combat flying, 10 missions, and only 30 hours of flight time, Second Lieutenant Frank Luke shot down 18 enemy aircraft. Let me repeat. Eighteen enemy aircraft.

On his last patrol, though pursued by eight German planes, without hesitation he attacked and shot down in flames three German aircraft, being himself under heavy fire from ground batteries and hostile planes. Severely wounded, he descended within 50 meters of the ground and, flying at this low altitude in France, opened fire on enemy troops, killing six and wounding many more. Forced to make a landing, and surrounded on all sides by the enemy, he drew his automatic pistol, defended himself gallantly until he fell dead with a wound in the chest.

Frank Luke was 20 years of age. He had been in Europe less than 30 days. He won the Congressional Medal of Honor, and he was the first aviator in United States history to win the Congressional Medal of Honor. He was one of the 116,000 doughboys who died in the War to End All Wars that did not return home.

Author Blaine Pardoe referred to him as the ''terror of the autumn skies.''

That was 90 years ago. It has always been the young that give their youth so we can have a future. And we should always remember every one of them, every one that died in all of America's wars.

Now we are engaged in a war in the valley of the sun and the deserts of the gun, in Iraq, and the rugged, cruel, rough mountains of Afghanistan.

My congressional district area of southeast Texas has lost 26 warriors since I have been in Congress. Here they are, Madam Speaker. You notice they represent a cross section of the United States. They are all races. They're of both sexes. They are of all ages, and they're from all branches of the service. They're from big cities like Houston, Texas, and small towns like Hull, Sabine Pass, Beach City, Humble, Groves; yet, they're all American warriors who gave their lives in combat for the United States.

I will place the names and backgrounds of these 26 from the Second Congressional District of Texas who have been killed in Iraq into the CONGRESSIONAL RECORD.

ROLLCALL OF THE DEAD

Russell Slay, a Staff Sergeant in the U.S. Marine Corps, from Humble, TX. Russell played the guitar and he and his buddies started a band while in Iraq called the Texas Trio.

Wesley J. Canning, a Lance Corporal in the U.S. Marine Corps, from Friendswood, TX. Wesley had a quick smile, a captivating personality, and loved wearing his Marine Corps T-shirt to class his senior year of high school.

Fred Lee Maciel, a Lance Corporal in the U.S. Marine Corps, from Spring, TX. He is remembered as an athlete, a leader in the school's Naval Junior ROTC, and a role model for other students.

Wesley R. Riggs, a PFC in the U.S. Army, from Beach City, TX. Wesley liked four-wheeling and camping. He was also a member of the Houston Olympic weight lifting team.

William B. Meeuwsen, a Sergeant in the U.S. Army, from Kingwood, TX. Bill strongly believed that we all share a responsibility to serve on behalf of God and country, to protect freedoms we all cherish so deeply.

Robert A. Martinez, a Lance Corporal in the U.S. Marine Corps, from Cleveland, TX. Robert was a baseball pitcher at Cleveland High and dreamed of getting his degree in education and becoming a baseball coach.

Jerry Michael Durbin, a Staff Sergeant in the U.S. Army, from Spring, TX. He was a gifted artist with a special talent for original cartoon characters and superheroes. He actually designed his platoon's boot camp T-shirt when he entered the Army.

Walter M. Moss Jr., a Tech. Sergeant in the U.S. Air Force, from Houston, TX. After 16 years of military service, Walter had a reputation for excellence. Even though he was in the Air Force, the Navy and Marines honored him with the Navy and Marine Corps Achievement Medal, and he was also awarded the Bronze Star with Valor and the Purple Heart.

Kristian Menchaca, a PFC in the U.S. Army, from Houston, TX. Kristian joined the United States Army with the goal of using his military experience to become a Border Patrol agent.

Benjamin D. Williams, a Staff Sergeant in the U.S. Marine Corps, from Orange, TX. Benjamin played football in high school and as soon as he graduated, he joined the United States Marine Corps.

Ryan A. Miller, a Lance Corporal in the U.S. Marine Corps, from Pearland, TX. Ryan was so committed to a future defending others, he graduated from high school early just so he could enlist into the United States Marine Corps and follow in the footsteps of Dad and Granddad.

Edward Reynolds, Jr., a Staff Sergeant in the U.S. Army, from Groves, TX. Friends knew Edward as the man that kept them out of trouble, pushing them to succeed in life.

West Point Graduate Michael Fraser, a Captain in the U.S. Army, from Houston, TX. Twice, Michael led his high school cross-country team to qualify for the Texas State cross-country meet.

Luke Yepsen, a Lance Corporal in the U.S. Marine Corps, from Kingwood, TX. He was a graduate of Kingwood High School, and he was known for his big heart and ability to live life to its fullest.

Dustin R. Donica, a Specialist in the U.S. Army, from Spring, TX. Dustin loved to joke around with his family and his friends, and he was known by many for his unique sense of humor.

Ryan R. Berg, a Specialist in the U.S. Army, from Sabine Pass, TX. Ryan knew his calling after high school was to join the United States Army. He wanted to protect his country, like he had protected those he knew and loved all his life.

Terrance D. Dunn, a Staff Sergeant in the U.S. Army, from Houston, TX. Terrance was known as ''Dunnaman'' to his fellow soldiers. If something needed to be done, Dunnaman did it, and it was given to him to do because they could always count on him to get the job done.

Anthony Aguirre, a Lance Corporal in the U.S. Marine Corps, from Houston, TX. During Anthony's senior year in high school, he achieved the rank of cadet captain. Even after graduation, Anthony stopped by the high school often to proudly talk with the Junior ROTC cadets about the Marines.

Brandon Bobb, a PFC in the U.S. Army, from Port Arthur, TX. Brandon thought that being a military police officer in the Army was the best job in the world.

Zachary Endsley, a PFC in the U.S. Army, from Spring, TX. Zachery enjoyed drawing and playing his guitar. He was so good at drawing he won several competitions while in high school.

Kamisha Block, a Specialist in the U.S. Army, from Vidor, TX. Friends say that Kamisha always knew where she was headed in life, that she had a big heart and genuinely wanted to help make other people's lives better.

Donald E. Valentine III, a Corporal in the U.S. Army, born in Houston, TX. Valentine joined the United States Army because of the 9/11 attack on this country proudly following in the footsteps of his father.

Jeremy W. Burris, a Lance Corporal in the U.S. Marine Corps, from Liberty, TX. Jeremy survived the initial blast of an IED explosive and heroically helped save the lives of two other wounded Marines before a second bomb was detonated—taking his life.

Eric Duckworth, a Staff Sergeant in the U.S. Army, from Plano, TX. Eric's only two wishes growing up were that he serve in the military and serve in law enforcement. He was blessed to be able to fulfill both of his dreams.

Scott A. McIntosh, a Corporal in the U.S. Army, from Humble, TX. Friends say that Scott always had a positive outlook, his mission in life was to meet and make friends with every person he came in contact with—and he did.

Shawn Tousha, a Sergeant in the U.S. Army, from Hull, TX. During Shawn's first tour of duty in Iraq he decided to re-enlist in the Army and make the military his career. He ended up serving three tours of duty in Iraq.

It has been said that ''wars may be fought by weapons, but they are won by warriors. It is the spirit of the men who follow and the man who leads that gains the victory.'' That was said by General George S. Patton, Jr. near the end of World War II.

These noble 26 are just some of the 4,962 that have been killed in the line of duty taking care of America in America's current wars in the Middle East.

Madam Speaker, this is a photograph of the cliffs of Normandy. This is in Normandy, France, where 9,347 Americans are buried, most of them young kids. They liberated and saved France and the rest of Europe in the great World War II. They never came home. The guns have long since been silent on Normandy's shores, but the sands are still stained with the blood of the fallen soldiers.

On the 40th anniversary of D-day, on June 6, 1984, President Ronald Reagan stood at this cemetery and said ''We will always remember. We will always be proud. We will always be prepared so we may always be free.''

So, Madam Speaker, when the sun comes up Monday morning, we should fly the Flag, stand outside, look to the heavens and thank those who took care of America in the long, lamentable dark night of the hour of war.

And that's just the way it is.

□ 1815

A PEACE PLAN FOR MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, next Monday is Memorial Day, when we honor the sacrifices of the men and women who have died in our Nation's wars. The American people will remember our fallen heroes in many, many ways. We will pay tribute in our houses, in our houses of worship, in our community centers, in our veterans' buildings, and in our cemeteries. There will be family gatherings. There will be parades. Veterans will hold memorials across this Nation, and countless Americans will simply bow their heads and say a silent prayer of thanks.

Sadly, there are more fallen heroes to remember this year. Since Memorial Day last year, 394 of our brave troops have died in Iraq and Afghanistan, and by this time next year, I fear there will be more brave dead to remember and more military families who will be grieving; but Memorial Day should be more than a time to remember the bitter harvest of war. It should be a time for our Nation to seek peaceful alternatives to war so that no more of our brave troops will die. That's the best way to honor those who have given their lives for their country.

To accomplish this, however, we must make the military option the very last option that we would choose when we develop our national security policies. We've tried the military option. Where has it gotten us? We're still bogged down in Iraq and Afghanistan. Our foreign adventures have cost us over $1 trillion so far, and they have contributed to the economic meltdown that we're experiencing now. In Afghanistan, anti-American feeling is spreading, and it has become a major recruiting tool for those who would harm our country.

I know that these problems were dumped into President Obama's lap when he came into office, and I know that he is a peacemaker. On Monday, in his meeting with Prime Minister Netanyahu of Israel, he called for talks with Iran, and he called for a two-state solution to the conflict between the Israelis and the Palestinians. I applaud him for both of those positions, but I voted against the supplemental funding bill for Iraq and Afghanistan because it will only continue the policies of occupation, the policies of war that have failed us.

Instead, I urge my colleagues to support a different approach, an approach that will give us a real chance to succeed. I call this approach ''Smart Security Platform for the 21st Century.''

The Smart Security Platform would help to eliminate the root causes of violence in the world by increasing economic development aid and debt relief to the poorest countries. It would further address the root causes of violence by supporting conflict resolution, human rights, and democracy-building.

It calls for the United States to work with the international community to promote diplomacy and to strengthen international law.

It calls for reducing weapons of mass destruction, and it calls for reducing conventional weapons by supporting the Comprehensive Test Ban Treaty, the Nuclear Nonproliferation Treaty, and the Biological and Chemical Weapons Conventions. It calls for adequately funding the Cooperative Threat Reduction Program to secure nuclear materials in Russia and in other countries and to reduce nuclear stockpiles.

It would invest in renewable energy to end our addiction to oil and to stop the flow of hundreds of billions of dollars to irresponsible regimes.

It includes strategies to strengthen international intelligence and law enforcement to capture individuals involved in violence, while respecting at the same time their human and civil rights.

Madam Speaker, Smart Security will show the world that America stands for peace once again. It will help protect the lives of our brave troops, and it will keep our country safe and free. That is the best way to honor the memory of our fallen heroes on Memorial Day.

U.S. STRATEGY IN AFGHANISTAN

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. Madam Speaker, last week, Congressman JIM MCGOVERN introduced H.R. 2404, legislation to require the Secretary of Defense to submit a report to Congress, outlining the exit strategy for our United States military forces in Afghanistan.

I am an original cosponsor of this bill, which now has 78 cosponsors. I became a cosponsor of this bill because it has been nearly 8 years since the United States began its military operation in Afghanistan, and I am concerned that there is no clear strategy for victory or end point to our efforts in that country. Without focused and targeted objectives, adding more manpower to an effort in Afghanistan could cause the United States to go the way of many great armies and leave our troops in a never-ending, no-win situation.

I have heard from many Vietnam veterans who are concerned that Afghanistan could become the next Vietnam. For example, Andrew Bacevich is a West Point graduate, a retired colonel, a Vietnam and Gulf War veteran, and a professor of military history. He is also the father of a son who died in Iraq in 2007.

In an article published on May 18, 2009, in the American Conservative, entitled ''To Die for a Mystique: The Lessons our leaders didn't Learn from the Vietnam War,'' he wrote, ''In one of the most thoughtful Vietnam-era accounts written by a senior military officer, General Bruce Palmer once observed, 'With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the United States commitment.'''

He further wrote, ''General Palmer thereby distilled into a single sentence the central lesson of Vietnam: To embark upon an open-ended war lacking

clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again.''

He further wrote, ''Today, in contrast, the civilian contemporaries of those fighting in Iraq and Afghanistan have largely tuned out the Long War. The predominant mood of the country is not one of anger or anxiety but of dull acceptance.'' . . .

'' To cite General Palmer's formulation, the citizens of this country at present do appear willing to 'stand still' when considering the prospect of war that goes on and on. While there are many explanations for why Americans have disengaged from the Long War, the most important, in my view, is that so few of us have any immediate personal stake in that conflict.''

Madam Speaker, while America's military personnel faithfully conduct their missions abroad, elected officials here in Washington should take seriously their responsibility to develop a viable, long-term strategy for these operations. I have spoken to many in the Army and in the Marine Corps who say that our Nation needs an end point to its war strategy. Many of these servicemembers have gone to Iraq and Afghanistan more than once, and their desire to serve this Nation is greater than ever, but the stress placed on our all-volunteer force and on their families cannot continue forever.

While the United States continues to devote its blood and treasure in Afghanistan, the Afghan Government has yet to purge itself of many who are funneling support to the Taliban.

Our men and women in uniform deserve to have the President work with his military commanders and with the United States Congress to develop the best strategy for achieving our goals and for wrapping up our military commitment in Afghanistan. I hope that many of my colleagues in both parties will join me in cosponsoring Congressman MCGOVERN's legislation, H.R. 2404.

Madam Speaker, before I close, as I do every night on this floor, I ask God to please bless our men and women in uniform. I ask God to bless the families of our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child, dying for freedom in Afghanistan and Iraq.

I close by asking God to continue to bless America.

HUNTINGTON'S DISEASE PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, May is Huntington's Disease Awareness Month. I rise today with my colleague from San Diego, Congressman BILBRAY, in support of the 250,000 Americans affected by or who are at risk for developing Huntington's disease.

This disease is a degenerative brain disorder for which there is no effective treatment or cure. HD slowly diminishes the affected individual's ability to walk, think, talk, and to reason. Eventually, a person with HD becomes totally dependent upon others for care. Because it is a genetic disorder, Huntington's disease profoundly affects the lives of entire families—emotionally, socially and financially.

Over the last few months, several families in our San Diego area affected by HD have contacted us about the constant struggles they face. For example, Misty Oto lost her mother several years ago to HD. Her 40-year-old brother is now showing signs of the disease. Misty is also at risk for developing the condition as are her children.

If that weren't bad enough, Misty and her family and countless others affected by HD are unable to receive the medical treatment and care they need. People with Huntington's disease are continually denied disability Social Security benefits because of outdated medical guidelines. Once people with HD begin to receive disability benefits, they still must wait 2 years before they qualify for Medicare. As a result, thousands of families affected by HD are unable to receive the treatment and care they desperately need. Many wind up losing everything they own in simply trying to survive.

That is why Congressman BILBRAY and I have introduced H.R. 678, the Huntington's Disease Parity Act of 2009. The bill directs the Social Security Administration to revise its criteria for determining disability, thereby making it easier for people with Huntington's disease to collect disability benefits.

Mr. BILBRAY, I appreciate our joined support. I would yield to the gentleman.

Mr. BILBRAY. Madam Speaker, it is an honor to join with my San Diegan colleague, Mr. FILNER, in supporting H.R. 678. This is really one of those regulatory guidelines that doesn't work and that doesn't address the issue at hand. HD is one of those situations where the regulation is absolutely absurd and inhumane. The fact is that for most people 2 years of waiting may not now be very much, but for those with HD it could be a death sentence.

I am honored to join with my colleague in the movement to address this inequity and deficiency in our regulation. I am happy to see that there are going to be Members joining us in correcting this situation. I thank you, Congressman, for taking the lead on this.

Again, I guess it's really important to show that community and citizen involvement does matter. I would like to point out, as my colleague did, that Alan Rappaport and Misty Oto have worked tirelessly at trying to address this issue. I urge my colleagues to join with me and with, most importantly, my chairman, BOB FILNER, in sponsoring this bill. Hopefully, we'll be able to bring up H.R. 678 as soon as possible.

Mr. FILNER. Reclaiming my time, I thank the gentleman from San Diego. When we were both in local government, we worked together on numerous issues in San Diego, and I'm so glad we are working together here in the Congress.

As we said, there are two major parts of H.R. 678. Number one, the Social Security Administration must revise its criteria for determining disability to make it easier for people with Huntington's disease to collect their benefits. It also removes the 2-year waiting period between receiving Social Security disability payments and their Medicare benefits. This will allow HD patients to get the treatment they need at the onset of the disease, when it's most important.

This is not without precedence, Madam Speaker. In 2000, the Centers for Medicaid and Medicare Services waived this waiting period for those suffering from ALS, amyotrophic lateral sclerosis, or Lou Gehrig's disease. Huntington's disease is tragic, but our bill, H.R. 678, will help those who suffer from this disease.

We urge the support of our colleagues for this bill.

THE WAR AGAINST TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, President Lincoln said, ''Let the people know the facts, and the country will be saved.''

Today, I listened to former Vice President Cheney give the facts to the American people about the war against terror. I think my colleagues who didn't get to hear it today really ought to hear some of the things that he has said that were very, very important and relevant to the war against terror.

□ 1830

So I would like to read a few excerpts from his speech tonight so I hope my colleagues will take these to heart and hopefully put them on their Internet sites.

First of all, he said, ''I was and remain a strong proponent of our enhanced interrogation program. The interrogations were used on hardened terrorists after other efforts failed. They were legal, essential, justified, successful and the right thing to do. The intelligence officers who questioned the terrorists can be proud of their work and proud of the results, because they prevented the violent death of thousands, if not hundreds of thousands, of innocent people.

''Attorney General Holder and others have admitted that the United States will be compelled to accept a number of the terrorists here, in the homeland,'' in America, ''and it has even been suggested U.S. taxpayer dollars will be used to support . . . '' the terrorists here in America.

''The administration has found that it's easy to receive applause in Europe

for closing Guantanamo. But it's tricky to come up with an alternative that will serve the interests of justice and America's national security.

''Now the President says some of these terrorists should be brought to American soil for trial in our court system. Others,'' he says, ''will be shipped to third countries. But so far, the United States has had little luck getting any other countries to take hardened terrorists.''

I think only one of them has been given to another country.

He says, ''The administration seems to pride itself''—the Obama administration ''seems to pride itself on searching for some kind of middle ground in policies addressing terrorism. They may take comfort in hearing disagreement from opposite ends of the spectrum. If liberals are unhappy about some decisions, and conservatives are unhappy about other decisions, then it may seem to them that the President is on the path of sensible compromise. But in the fight against terrorism, there is no middle ground, and half-measures keep you half exposed. You cannot keep just some nuclear-armed terrorists out of the United States, you must keep every nuclear-armed terrorist out of the United States. Triangulation is a political strategy, not a national security strategy. When just a single clue that goes unlearned, one lead that goes unpursued can bring on catastrophe—it's no time for splitting differences. There is never a good time to compromise when the lives and safety of the American people are in the balance.''

He went on to say, ''It is much closer to the truth that terrorists hate this country precisely because of the values we profess and seek to live by, not by some alleged failure to do so. Nor are terrorists or those who see them as victims exactly the best judges of America's moral standards, one way or the other. Critics of our policies are given to lecturing on the theme of being consistent with American values.

''But no moral value held dear by the American people obliges public servants to sacrifice innocent lives to spare a captured terrorist from unpleasant things. And when an entire population is targeted by a terror network, nothing is more consistent with American values than to stop them.

''Somehow, when the soul-searching was done and the veil was lifted on the policies of the Bush administration, the public was given less than half the truth. The released memos were carefully redacted.'' They crossed things out ''to leave out references to what our government learned through the methods in question. Other memos, laying out specific terrorist plots that were averted, apparently were not even considered for release. For reasons the administration has yet to explain, they believe the public has a right to know the method of the questions, but not the content of the answers.''

And the bottom line, Madam Speaker, is our intelligence agencies have done a great job in protecting this country for the past 8 years ever since 9/11. We should not be hamstringing those, and today I think former Vice President Cheney really told the story the way it ought to be told, and I hope all of my colleagues and every American is paying attention.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

(Mr. KLEIN of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DEATH OF SPECIALIST MICHAEL YATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Madam Speaker, today a native of Maryland's Eastern Shore, Specialist Michael Yates, was laid to rest. Specialist Yates, of Federalsburg, was killed in a senseless act of violence that should serve to shine a brighter light on the mental health of those serving our Nation. Specialist Yates, along with four colleagues, reportedly was shot and killed by a fellow serviceman on duty in support of Operation Iraqi Freedom at Camp Liberty in Baghdad.

Growing up on the Eastern Shore, Specialist Yates was an avid hunter and fisherman and like many of my constituents held a deep love for his country and a desire to serve in defense of freedom. At the young age of 17, Specialist Yates joined the Army where he was sent to Ft. Knox, Germany, and then to Iraq, where he served as a calvary scout.

Specialist Yates had recently returned to Federalsburg where he was able to visit with family and friends one last time before returning to Iraq and ultimately to a counseling center at Camp Liberty. It was here that a fellow soldier whom he had reportedly described to his step-father as ''a fairly decent guy who had some major issues,'' shot and killed Specialist Yates.

The death of Specialist Yates and his fellow soldiers must serve as a warning sign that the time is now, especially with an influx of returning veterans to make soldiers' and veterans' mental health a priority and heed Secretary Gates' recommendation to support funding for traumatic brain injury and psychological health exams for our servicemen and -women. Honoring our commitment to those who serve our Nation means offering them not only top-notch medical care for physical injuries, but also first-rate mental health services to help fight the alarming rising trend of suicide and mental illness among veterans.

Honoring our commitment means more than waving our banners and flags at parades. It means putting our money where our collective mouth is. We owe this to Specialist Yates, as well as the friends and families of those involved in this tragic event.

I have introduced a resolution along with fellow colleagues from both sides of the aisle who lost constituents in this incident honoring their service and calling for a greater focus on mental health issues among servicemen and veterans. I urge my colleagues to sign on and support this resolution when it reaches the floor.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING RICHARD WARREN OF PAT'S COFFEE SHOP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Madam Speaker, there is a coffee shop in my district and Richard Warren owned that coffee shop, and to every veteran that walked in the door, he said, Welcome home. And today, tonight, on Memorial Day, I rise to honor the life and legacy of Richard Warren of Mooresville, North Carolina.

He was the owner and operator of Pat's Coffee Shop and a Vietnam veteran. Richard Warren served in the 68th Attack Helicopter Company of the United States Army, and for the last 14 years, Richard ran Pat's Coffee Shop in Mooresville. Now, this is not your ordinary coffee shop. Pat's became known as the most patriotic coffee shop in America. In no time, that little coffee shop became exactly what Richard had envisioned: a gathering place for local veterans. Veterans from all across Iredell County and around the region, even, would come together every day to share their tales and stories—boy, were there some stories—over coffee and a bite to eat.

Before long, veterans started bringing mementos from their time in the service. Richard hung those pictures and memorabilia on the wall and acknowledged every veteran—as I said every veteran who walked in that door got a very honest ''welcome home'' from Richard Warren. Pat's Coffee Shop became a living shrine to the men and women, the veterans, who risked their lives to defend America.

On one special occasion, former Senator Bob Dole of Kansas stopped in and spent several hours talking to veterans, exchanging stories and tales and reminiscing with his fellow brothers-in-arms. Pat's Coffee Shop has had a number of visitors. I've visited a number of times.

But Richard didn't stop there. Richard founded also the Welcome Home Veterans, a local nonprofit group. He would actively help veterans find jobs in the community and could have been considered an unofficial veterans caseworker for my office and for Senators' offices as well. Richard frequently contacted my office on behalf of veterans who had challenges, who had problems, but there wasn't anything Richard would do or wouldn't do to help a fellow veteran.

So it's a little wonder that those who knew Richard Warren best called him a true patriot. In fact, I've got a picture of a young Richard Warren, he couldn't have been more than 3 years old, sitting in front of a stoop in front of his boyhood home with a big backdrop of an American flag. It's a black and white photo that I've got hanging in my office to this day, and I will continue to have hanging on my wall. It's a true young patriot there, and it's really wonderful American history. And I honor Richard by keeping that on my bookshelf and in my office.

Now, I was proud to visit Pat's Coffee Shop on a number of occasions and to call Richard Warren a friend. I look forward to returning to Pat's Coffee Shop not only to honor the veterans but to honor Richard Warren. Our Nation has lost a hero, a man who served his country and more and then made his life's work that of service to his fellow man.

Richard Warren will be missed by many. He will be missed by the young and old alike, veterans and those who didn't have the honor of serving will miss him as well

On this Memorial Day, we honor our veterans, the fallen, and I honor of Richard Warren. And I know when he was greeted at the Pearly Gates, he got a solemn and heartfelt ''welcome home.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

(Mr. QUIGLEY 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. McCOTTER 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 California (Mr. BILBRAY) is recognized for 5 minutes.

(Mr. BILBRAY 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 Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

(Mr. PAULSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BAILOUT FEVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATOURETTE. Madam Speaker, I thank you for the recognition, and I want to thank Leader BOEHNER for granting me the leadership hour on our side to share some thoughts this evening with you, Madam Speaker.

As the Speaker's well aware, our economy is in pretty tough shape, and people all over the country are suffering. But despite the fact that people continue to suffer, there is sort of this bailout fever here on Capitol Hill, and it's not uncommon for me to go home to Ohio and have somebody come up to me on the street and say, Hey, where is my bailout like the guys on Wall Street and like many others? Literally billions and billions of dollars. Taxpayer dollars. People get up, work hard, pay their taxes just trying to raise their kids and keep a roof over their head. Billions and billions of dollars have been sent out in these bailouts.

And we have come to the floor on a pretty regular basis to talk about AIG, the insurance giant on Wall Street, that, to date, has received about a $185 billion of taxpayers' money in the form of a bailout. We were told that they are too big to fail, and quite frankly, even though I happen to be a Republican, this started on the former President's watch when his Secretary of the Treasury, came to us and said, If you don't give us $700 billion, here's a three-page bill, if you don't give us $700 by the end of the week, we're going to have a collapse. And sadly, in my opinion, some Members of this body abdicated their responsibility of oversight and bum rushed $700 billion to Wall Street.

But a funny thing happened in that bill that has caused some in this House some chagrin and has led us to come to the floor on a regular basis and talk about a game that's pretty well known by most people in America. It's a game I loved playing as a kid. It's a game I continue to love playing with my kids called Clue made by Hasbro.

And the reason we bring Clue to the floor and have is that in the conference, first of all, is this $700 billion—have to fast forward to the President's stimulus request earlier this year. As this bill was being crafted, there was an amendment placed into the stimulus package that said that you know what, we've given billions and billions and billions of dollars to these Wall Street firms, but perhaps we should put some conditions, or strings, on the multimillion-dollar bonuses that are being paid out to these folks.

□ 1845

And the amendment was put in over in the other body, in the United States Senate, by a Democratic Senator, Senator WYDEN from Oregon, and a Republican Senator, Senator SNOWE from Maine. And that was in the bill. It wasn't in the House bill; it was in the Senate bill.

So you get together in a conference report. Madam Speaker, you know, but some folks don't necessarily know, that when the House and Senate pass a separate version of a bill, we have to have a conference committee. And the conference committee works out the details and then that conference report is brought back to both Chambers for a vote on the conference report.

Well, in the conference committee somehow the Snowe-Wyden language that indicated that we were going to put some restrictions on these million-dollar bonuses—multimillion-dollar bonuses to AIG and other executives, that language was taken out and, over on the second easel, this language, subparagraph (iii), was inserted.

And this language, Madam Speaker, not only removed the Snowe-Wyden language, it put in these about 40 words that specifically protected the bonuses paid to AIG executives and other executives on Wall Street who had received, again, billions of dollars of

money through the TARP program. And so the stimulus bill came to the floor with this language protecting the bonuses.

It was a partisan vote on the stimulus bill, pretty much. And all of the Democratic Members of the House, save 11, I think, voted for the President's stimulus initiative. And by casting that vote, they were approving, among other things, a piece of legislation that specifically protected the $173 million in bonuses that were then paid to AIG.

Well, shortly after it was brought to light, because this was a big bill—and I should tell you that I don't think that a lot of my colleagues on the Democratic side of the aisle did this intentionally, because this was a bill of over a thousand pages. And the Tuesday that the stimulus bill was being considered on the floor, there was a motion made that Members of the House should have 48 hours to read whatever the final bill was, a thousand pages, and that, here's a novel idea: It should be put on the Internet and anybody in America that was interested in what was in these thousand pages would have the opportunity over 2 days to reflect on it and, if necessary, if they felt the need, to correspond with their Member of Congress or their United States Senator.

Well, a funny thing happened to that. Even though every Member in this body that was present that day voted to give every Member in this body 48 hours to read the bill and the American public 48 hours to read the bill, we came up and the bill wasn't ready until Thursday night at midnight that same week. Somehow, the commitment to give everybody 48 hours was forgotten and this thousand-page page bill was filed at midnight on Thursday.

It was voted on the next day, Friday. And Members who arrived to work that Friday morning basically had 90 minutes to read a thousand pages.

So I don't think, Madam Speaker, that everybody read that bill prior to casting their vote. I think some people were embarrassed when they found out they voted to give out $173 million in bonuses to AIG executives. I know that the President of the United States, President Obama, didn't like it, because he came on television and he said, I'm shocked. I can't believe that this has happened. Why is AIG giving out the bonuses?

Well, he may have been shocked because he hadn't been informed either. I don't know. But there are some people that should not be shocked. They are the people who form the conference committee, where somebody took out the Snowe-Wyden language that would have put some restrictions on these bonuses and inserted this paragraph that protected those bonuses.

And so the conference committee is a small group of representatives and senators and, using the Clue set of observations, we know that somebody that put this language in—the weapon, if you remember the Clue game—was a pen. That they used a pen to put in the language that's under discussion.

Here, we have the Clue board slightly modified to reflect the United States Capitol. I think over the course of days we have—the times we have discussed this—we have been able to eliminate some people and we have been able to eliminate some rooms.

And the people that we have been able to eliminate are down here. CHARLIE RANGEL, who is the distinguished Chair of the Ways and Means Committee. He has been quoted in the press as saying when he came out of this conference committee, It's pretty tough to work with a government that's run by only three people. And so I don't think he had anything to do with it. But we're left with this sort of list of suspects.

Suspect number one that the press is blaming is Senator CHRIS DODD of the State of Connecticut. He is the chairman of the Senate Banking Committee. There was some discussion that he and/or his staff inserted that language.

We know also that the Speaker of the House, Mrs. PELOSI, was present during that discussion. Senator REID, as the leader of the Senate, was involved in those discussions. And over here we have Rahm Emanuel, who is the President's chief of staff, and the Secretary of the Treasury as well, Mr. Geithner.

Well, somebody put this language in. All we are trying to find out is who put the language in, why they put it in, and why people were shocked and amazed that these bonuses went out when the legislation specifically permitted it.

Now we have made great progress. And I have to give great credit to the chairman of the Financial Services Committee, BARNEY FRANK of Massachusetts. We filed what is known as a Resolution of Inquiry because nobody would sort of own up to this. We filed a piece of legislation here that said, Hey, Treasury, how about handing over the documents and communications so we can get to the bottom of this, so we can figure out that it was one of these people with the pen in the Speaker's office or in the conference room.

Chairman FRANK moved it through his committee. Everybody that was present that day voted for it. But now, sadly, it's languishing at the desk and the majority leader of the House, Mr. HOYER, has chosen not to call it up. But, again, to Chairman FRANK's credit, he has indicated to the Treasury that he wants this thing resolved.

There was a meeting this week with members of my staff and members of the Treasury, and they have promised to produce some documents that, maybe the next time, Madam Speaker, that we are able to talk about this, we can identify who it was that inserted the language, on who's instruction, and why. And I think, Madam Speaker, the American people are entitled to know.

Now, as the Speaker knows, aside from the financial services bailout, the bailout of Wall Street, there's a lot going on with the American automotive industry as well. Chrysler was given 30 days to reach an agreement with the Italian automaker Fiat. And has recently gone into bankruptcy.

Unfortunately, we have another clue—this time, Clue, The Travel Edition, because some of the facts that have been sort of laid out there are not, as we dig further, as they appear.

And so to set the stage, Madam Speaker, as you know, the Union, the United Auto Workers of America, were asked to make significant concessions in order to keep Chrysler alive. As a matter of fact, on the 28th and 29th of April, every union hall, every UAW union hall that was involved in Chrysler operations, had an election. And the election was whether or not to ratify this new contract with the concessions.

As a matter of fact, in my area in Ohio, we have a Chrysler stamping plant in a great city by the name of Twinsburg, Ohio. In Twinsburg, Ohio, the UAW local, Local 122, had done an outstanding job of negotiating language in this concession package that indicated that additional work was going to come to Twinsburg. I will show you that language in just a minute, Madam Speaker.

So people voted. All the union members voted on the 28th and 29th. The contract with concessions was approved. As a matter of fact, in Twinsburg Local 122, 88 percent of the union members who cast ballots voted in favor of the new contract because they thought by making these sacrifices, it would make a stronger Chrysler and they would get to keep their jobs and they would get to continue making automobiles.

Fast forward to the next day, April 30. The President of the United States, President Obama, announced this deal that Chrysler was going to go into bankruptcy and the contract had been approved and good things were going to happen. And on that date at his press conference this quote on the far board, Madam Speaker, the President of the United States said, ''No one should be confused about what a bankruptcy process means. It will not disrupt the lives of the people who work at Chrysler or live in communities that depend on it,'' meaning Chrysler.

Now I have got to tell you, back in Cleveland there was news coverage of this series of events. And after the President made this announcement on April 30th, the champagne corks were popping. People were happy. They had approved a contract. They had taken a hit in their wages and their benefits. But they knew that no one should be confused that this decision wasn't going to disrupt the lives of the people who work at Chrysler or live in the communities that depend on them.

As promised, Madam Speaker, the chart now on the easel, this paragraph is the specific language that was negotiated by the UAW in Twinsburg, Ohio, that indicates when they went to vote

to approve this contract on April 28 and 29, they believed they were agreeing to a provision that was separately negotiated for their plant that said during these discussions, the company, Chrysler, agreed to—and basically find ways to bring more work to the stamping plant in Twinsburg, Ohio.

Well, after the President made his announcement at noon, there was a conference call between the former CEO of Chrysler, Robert Nardelli, and interested parties—Members of Congress, governors, people who were interested. And the first question that was asked on that conference call—and I should say I have asked for the transcript of that conference call from Chrysler, and they are refusing to give it to me. We will try another way. There's always a couple different ways to skin a cat.

But the first question came from Governor Granholm from the State of Michigan, and she said, basically, Congratulations. This is great news. As a matter of fact, Governor Granholm had a press conference and she said, Not only does this agreement preserve jobs, the opportunity for expanding growth in jobs in Michigan is very well. At the end of this path—which is the temporary idling while the company is in bankruptcy—we can see that the jobs are going to be there. It's a defining moment for Michigan, and certainly a defining moment for Chrysler.

Well, her question to Mr. Nardelli was, We just heard the President's announcement. Great work. But he said that by this agreement, 30,000 jobs at Chrysler had been saved. We know that there are 39,000 people who work for Chrysler in the United States. So was the President speaking in some kind of code that we saved 30,000, but we couldn't save all 39,000?

The answer back from the officials at Chrysler who were on the telephone call: Absolutely not. Absolutely not. The President just had the number wrong. And there's going to be no plant closings. Nobody is going to lose their job.

Well, during that same phone call, Representative GWEN MOORE, who's a Democratic Member of Congress, does a great job on behalf of her constituents in Milwaukee, asked Mr. Nardelli directly about the future of the Kenosha, Wisconsin, engine plant, which employs 800 people. And he specifically indicated that they loved the Kenosha plant; it had a long history; it was productive; it made money; and the 800 people up there in Kenosha, Wisconsin, didn't have to worry about anything.

Sadly, what happened after that conference call, after the President's announcement—I think we've all seen the pictures—this picture of the sort of nerdy-looking guy with all those bankers boxes taking the bankruptcy filings to the court in New York.

They were filed that afternoon—the same afternoon; April 30. Buried in those documents was the fact that eight Chrysler facilities in the United States of America were going to be closed as a result of the bankruptcy and, among them, Kenosha, Wisconsin, and Twinsburg, Ohio.

So, again, you had Mr. Nardelli saying Kenosha is great and you had the UAW in Twinsburg negotiating an agreement where they think work is going to come to them, but the news was, when the bankruptcy filings were read, that they're going to be closed and they're going to be out of jobs beginning next year.

□ 1900

Now, to be fair, Mr. Nardelli—you know, obviously there were some questions asked about it. So they asked, What happened? He said Kenosha was okay. He wrote to Representative Gwen Moore of Milwaukee that he mistakenly conveyed the status of the Phoenix investment.

He confused Kenosha, Wisconsin, with a plant in Trenton, Michigan. So not only isn't it the same State, Wisconsin. You have sound-alikes. We have a lot of Madison, Ohios, and all this other business. He apologized to Representative MOORE because he said that he confused Trenton, Michigan, with Kenosha, Wisconsin and that Trenton, Michigan, is going to be okay. Don't worry about it.

The mayor of Twinsburg also was obviously confused because people were celebrating. If you think about it, Madam Speaker, 88 percent of the union in Twinsburg voted to approve this contract. Well, you'd have to be pretty dumb to vote for a contract that was going to end your job. In conversations with the union leaders and membership, they didn't know. They didn't know that by the company going into bankruptcy, that they were going to be out of a job. Clearly I don't think 88 percent of them would have voted in favor of a contract that meant that they had no job. They were heartened by the President's comments the day before that no one should be confused about what a bankruptcy means. It will not disrupt the lives of the people who work for Chrysler or live in communities that depend on it. Now maybe this is like a Major League Baseball statistic. He needed to have an asterisk next to it and in small print say, oh, except for those eight plants, those eight cities and those 9,000 people that work there. But that isn't what the President said, and I think the President meant this. Again, it's my view that the President may have been ill-served by those who report to him about what was going on at this moment in time.

Also, the mayor of Twinsburg, Katherine Procop, who is a great mayor, expressed some concern. She wrote a note to Ron Bloom, who was part of the President's automobile task force about, Hey, wait a minute. We were watching TV. They said no plants were going to be closed. Nobody was going to lose their job. Now in Twinsburg, it's 1,200 jobs. We find out our plant's closing. It's 13 percent of our tax base, and 1,200 people are going to be out of work. What's the deal?

So Mr. Bloom wrote back to Mayor Procop on May 6; and he indicated the pertinent paragraph, While the original February 17 plan submitted by Chrysler was not deemed viable by the task force, the more recently proposed Fiat/Chrysler alliance plan has been approved, which is true. This plan included the same plant closure schedule as the one originally proposed by Chrysler, and the President's comments were meant to convey the message that the bankruptcy of Chrysler had in no way changed these plans. Now that's a fine observation, except that nobody ever identified any plant closings in the February 17 filing or in the subsequent filing because they said they couldn't. I think what Mr. Bloom's letter is saying, that no lives are going to be interrupted, and no communities are going to suffer, except for those eight plants, 9,000 people, and eight communities that nobody knew about, which is a stretch. I mean, I have to tell you, it's a stretch, and people have questions.

So the question now is—and we have, again, filed a resolution of inquiry asking the administration to have the automobile task force get with us and talk about how this happened. This time we have the Clue travel edition. We have the Clue travel edition. This time it's not a pen, but we know that the weapon was an ax. Nine thousand people with an ax are going to lose their job. Their jobs have been axed in eight communities across America at Chrysler.

So this time on the board we have the President of the United States. I do not think President Obama knew all of the details when he made this announcement. I have sent him a letter saying that I give him great credit for the leadership he has shown. But again, my observation is that he has not been well served. On that conference call and part of the team, Larry Summers who is an economic adviser to the President; Robert Nardelli, who I have talked about, the former chief executive officer of Chrysler; Mr. Bloom; Mr. Geithner, the Treasury Secretary; and former President George W. Bush. The last time we talked about this, somebody said, Why do you have President Bush up there? This all happened this year. But I just wanted to be fair because I know that there are some people in this country that blame President Bush for anything that happens that is bad. So I wanted to have his picture up there as well.

So somebody in this group—and I think I can safely exclude the two, the former President of the United States and the current President of the United States from this list—but when the President went to the microphone on April 30, 2009, and said no communities were going to suffer, somebody in this Clue game knew that when the bankruptcy—think about these banker

boxes. If you've seen that picture with the guy with the cart and the bankers boxes. He filed them at like 3 o'clock in the afternoon the same day. I know that the lawyers are quick, and we've got all kinds of computers and stuff. But those documents didn't get written between noon and 3 o'clock in the afternoon. Somebody on the President's task force or somebody at Chrysler or somebody someplace knew that when those documents, those bankers boxes were opened, we were going to find eight plant closings and 9,000 people losing their jobs. I think the thing that bothers me more than anything, even though people being thrown out of work is horrible enough, it is that these 9,000 workers at these eight plants went to vote on a contract where they were giving up big time wages and benefits; and they voted, not knowing that by casting that vote, they were going to lose their job. Again, I don't think any reasonable person would make that vote in the days before the President's announcement, knowing that it meant that their job was gone.

So we are going to attempt to determine now, and we've asked the President if he would direct his automobile task force to share with us who knew prior to April 30, who knew at the time the President was saying that nobody was going to suffer that, in fact, 9,000 people were going to suffer. Because I have to tell you that again, I think the President's achievement here is significant. It would have been real easy for his advisers to say, You know what, we saved 30,000 jobs, we couldn't save them all, and so there's going to be some suffering in eight cities and in 9,000 homes; but overall, we saved three-quarters of the jobs at Chrysler.

Nobody said that. What they said was, nobody was going to be without a job, and nobody was going to suffer.

So, Madam Speaker, we're going to work diligently over the next little while and see if we can identify who in this particular game of Clue took the job, took the ax and basically axed 9,000 people out of a job. In addition, the news this week in the bankruptcy court and something that we need to find out about is who's responsible. It's not just 9,000 jobs anymore. It's not just eight Chrysler plants. The news today, or this week, was that they are directing 789 Chrysler dealerships to close, that they're going to take their franchises away. According to the National Automobile Dealers Association, about 60 people on average work at each Chrysler dealership in the United States of America. So these 789 dealerships times 60, another 47,340 people across America, in Ohio, everywhere else, are soon to lose their jobs. That is going to be on the back of this next week, it's anticipated that General Motors, which is also having difficulty, that they are going to attempt to get rid of 2,600 franchise dealers. Again, using the math of an average of 60 people at each dealership, that's another 156,000 people that will lose their jobs at General Motors dealerships.

So altogether, you now have, in addition to the 9,000 people at Chrysler, 203,340 additional people that are going to be out of work as a result of these bankruptcies. Again, I don't think that the President of the United States has been well served by his advisers or else I don't think he would have uttered the statement that no one should be confused about what a bankruptcy means, that it will not disrupt the lives of the people who work at Chrysler or live in the communities that depend on them.

We're now up to, Madam Speaker, over 210,000 people that are going to be out of work as a result of this decision. And because I know that the President of the United States is a man of character, I know that the President of the United States didn't have in his mind when he made that observation that 210,000 people would be out of work because clearly that number, by any calculus, means that a lot of communities are going to suffer, and a lot of families are going to suffer, and a lot of people across this country are going to suffer.

Some of us can't figure out how the car company, Chrysler or GM, saves money by closing car dealerships. I mean, they don't cost the car companies any money. It's kind of a strange marketing proposal that you can sell more stuff by having less stores. So let's have less stores, maybe we'll sell more cars. That logic is lost on me. But maybe somebody on the Clue travel edition can explain it to me.

Also, in the April 17 edition of Time magazine, there is something here that in response to pressure from the Obama administration, Chrysler has proposed more plant shutdowns. Again, that is April 17, almost 2 weeks before the President says that nobody's going to suffer, no plants are going to be closed, and we're not going to have a problem.

On top of that—and this one kind of puzzles me too. The first thing that puzzles me is how you sell more cars with less stores. The second one is—and this is from the Detroit newspaper on May 11 that says that Chrysler wanted to spend $134 million in advertising over the 9 weeks that it is expected to be in bankruptcy; but the auto industry task force originally told them, we don't want you spending any money on advertising and then begrudgingly said, Okay, you can spend half of it. That comes as a result of Robert Manzo, who is the executive director of Capstone Advisory Group, who is a consultant to Chrysler. He testified in bankruptcy court that the task force—again, the administration's auto task force—believed that it was not feasible to spend anything on marketing and advertising over this period of time.

So just as it confuses some of us that you can sell more cars with less stores, stores that don't cost the car companies any money, how you don't damage your sales by not having any advertising. But that is where we find ourselves.

So, Madam Speaker, we're going to do Clue the travel edition. And I hope, unlike the AIG Clue edition, we have people that are willing to come forward and say, Yeah, I didn't think Chrysler needed to advertise, or, Yeah, I knew that those eight plants and those 9,000 people were going to be out of a job, but here's why we kept it from them when they were asked to approve the contract with concessions.

Now, Madam Speaker, we hear a lot that we don't have the time here in the United States Congress to deal with some of these issues. I just want to do a quick review of the last couple of years when that argument has been made and share with you the things that the United States Congress has been dealing with, rather than dealing with a variety of subjects, such as gasoline prices last year when gasoline went to over $4 a gallon and now these many, many people who work at Chrysler who are losing their jobs.

Madam Speaker, I apologize for taking a long time. I don't have assistance. You will be pleased to know I have also dog-eared the corners because the last time I did this, my fingernails couldn't reach under the sticky notes and take them off in a timely fashion.

Last year gasoline prices went through the roof, and there were a lot of reasons for that. There was a feeling when Congress went on its district work period a year ago August that perhaps we should have a debate on a national energy policy. I can remember calls of ''drill, baby, drill.'' There are people who want nuclear power. There are people that want green renewable energy, hydropower, geothermal power, solar, wind.

□ 1915

The request was made that we should really have a discussion, and let's talk about all the alternatives, and again, the ideas that get the most votes from the most Members will succeed. But we have to do something about gasoline prices in this country because our constituents are suffering.

Well, January 29 was when the Republicans did such a bang-up job of being in charge of the Congress that the voters threw us out in 2006 and replaced us with a Democratic majority, and that Democratic majority started on January 2007. At the time, gasoline was $2.22 a gallon. And people said, okay, that is getting up there, but it is not horrible. And so on that day, January 29, the most important thing that the leadership of the House could decide to put on the floor was a resolution congratulating the University of California Santa Barbara soccer team. Now, I assume that every member of that team, their families and their fans are proud of their accomplishment. They certainly deserve to be complimented. But I don't know, when people at home are suffering with increasingly high gas prices, if that is the most important thing we can do.

Well, it creeps up. We get out here to September 5 of the same year. Gas has now moved up. The national average is $2.84 a gallon. And on that day, the most important thing we could do here on the House of Representatives was recognize National Passport Month. And I guess September is National Passport Month. You might want to go home and jot it down on the calendar, Madam Speaker, because I actually forgot that was right.

Gas continues to go up. Here we are out here, February 6 of the next year, gas $3.03 a gallon, and the most important thing that we can do on the House floor on that day is commend the Houston Dynamo soccer team. When you are in elected office, you know this, Madam Speaker, we are told that if we want to be elected, we have to go out and get the soccer moms. And so by having two of the most important things, while gas is going up to over $3 a gallon, commending soccer teams, I think we have the soccer mom vote taken care of, and maybe we could have gone on to talk about energy.

Well, we get into May of 2008. Gas is $3.77 a gallon. You would think we would be talking about a national energy policy. But on that day, the most important thing we could come up with was to celebrate National Train Day. And I used to be the chairman of the Railroad Subcommittee. I like trains. But for crying out loud, my constituents were paying $3.77, and they were calling the office in droves saying, when are you going to do something about gasoline prices?

Well, we get out here, it continues to go up to $3.84 on May 20, and the most important thing we can do, rather than talking about gasoline prices, is to pass a resolution honoring or protecting great cats and rare canids. And I can tell you, Madam Speaker, I voted for that legislation because I know what great cats are, lions and tigers and things like that. I didn't know what a canid was. I had to go back to my office and look it up. It is a dog. So on the day that gas was $3.84 a gallon, we were celebrating and recognizing lions, tigers, and dogs here on the House floor.

We are up to June of that year. Gas goes up to $4.09. I'm sure we are going to talk about energy because people can't even afford to fill up their car and go to work. But on that day, June 10, rather than talking about gasoline prices, the most important thing we could do here in the United States Congress was to recognize 2008 as the International Year of Sanitation. And a lot of people back home in Ohio, when they were filling up their cars, didn't know that 2008 was the International Year of Sanitation. And I don't know that their lives were greatly improved because of that.

Then it finally peaked out on June 17, 2008, when gasoline hits $4.17 a gallon. Gasoline was over $4 for the first time in my lifetime, and I'm 54. And I'm sure that we were talking about energy on this occasion in June. But we weren't. The most important thing we could do was pass the Monkey Safety Act. And I don't know any Member of the House, Republican or Democrat, that wants unsafe monkeys. But clearly, when gas prices were going through the roof, the most important thing that the greatest legislative body in the world could be working on, I would hope, wouldn't be the Monkey Safety Act.

So they said, okay, we get it. Now we are going to be serious. We start this new Congress. And in the new Congress, we have this horrible problem at Chrysler, which is the subject of the Clue travel edition. And it began in January when 4,000 people at Chrysler lost their jobs. And rather than talking about that, we honored the life of Claiborne Pell, a former United States Senator. And he certainly was deserving of recognition. But 4,000 people are out of work.

We get over here to right before March, and now we are up to 9,500 Chrysler people are out of work, and we passed a resolution supporting the goals and ideals of National Teen Dating. Now, as a father, I want teens to be safe, and I want them to be dating. But again, 9,500 people are out of work, and we are recognizing the goals and ideals of National Teen Dating.

Still before we get to the middle of March, before we get to a little bigger jump up to almost 11,000 people out of work, the most important thing we could do, and here is a repeat, Madam Speaker, apparently, we don't have time to talk about gas prices. We don't have time to deal with people being thrown out of work. But apparently the United States Senate didn't act last year on the Monkey Safety Act, so we debated the Monkey Safety Act again and passed the Monkey Safety Act.

Now you get out here to mid-April, and you are now up to 13,000 people at Chrysler who are out of work. And you would think maybe we are going to be talking about that. But instead, son of a gun, I guess the Senate didn't honor cats and dogs last year either, and so we had to bring back on the floor the Great Cats and Rare Canids Act.

You get out to May, and now there are 16,000, a little over 16,000 people at Chrysler out of work. And the most important thing we can do on that day is to award a Gold Medal to Arnold Palmer for his sportsmanship in golf. Now I happen to be an admirer of Arnold Palmer of Latrobe, Pennsylvania. I think he is deserving of whatever recognition comes his way. But when 16,000 people have lost their jobs and we have these issues with how we are going to help the car companies, how we are going to help the people that work there, I think even Arnold Palmer would have said, honor me next week.

And now we get out to last week we are now up to 18,365 people out of work at Chrysler, only Chrysler, and again, we are about to have another 200,000 at automobile dealerships all across the country. I'm sure that obviously we should have been talking about Chrysler and the auto industry on that day, but, son of a gun, they say that history repeats itself. We again had to recognize National Train Day here in the United States Congress.

So I would suggest, a little bit more than tongue in cheek, that we had time. We had time to deal with this, Madam Speaker. And for whatever reason, those who are charged with scheduling legislation in this floor felt that our time was most well spent honoring soccer teams, recognizing cats and dogs, making sure that monkeys are safe in the United States, not once but twice, and some of the other things.

But that isn't all, Madam Speaker. You're aware that on the day we come back, we do suspensions. Suspensions are bills that are brought to the floor. They are debated for 40 minutes. Republicans get 20 minutes. The Democrats get 20 minutes. And then we have a 15-minute vote. So if we put the vote together with the suspension, it is 55 minutes. Just since the beginning of this year, this list of bills here on the left and their dates of passage, we had time to name—these are post offices. This list of legislation are post offices. So everybody across America should be happy that when they go into a post office it probably has a name on it. And these are the post offices that we have taken 1 hour a piece to name since the beginning of the year. And 1, 2, 4, 6, 8, 10, 12, 14, 14 hours of putting a name on a post office when we could have been talking about gas prices. We could have been talking about Chrysler. We could have been talking about the billions of dollars that we are bleeding on these bailouts for everybody. But again, when you walk in, if anybody, Madam Speaker, lives in any of these communities, they can rest assured that in Rye, New York, for instance, if you go to buy stamps in Rye, New York, your post office now has a name, named after somebody, thanks to the United States Congress.

Now the difficulty with that is that the people at Chrysler, the 18,000 people at Chrysler who have lost their jobs, and the 203,000 people who are about to lose their jobs at the car dealerships across this country, they can afford to go in and buy the 44-cent stamps in the post office. But clearly, they have names.

Madam Speaker, this is problematic. And I think that the people who work at Chrysler, the 9,000 people in those eight communities and the citizens of those eight communities who popped champagne corks when they heard the President of the United States, and reaffirmed by Mr. Nardelli, the CEO of Chrysler, indicate that their jobs were going to be okay and their plants were going to be open, and that they cast ballots in large numbers signifying that they were willing to give up how much they made an hour, how much they had to contribute in health care,

what their pension looked like, because they believed that they were going to be able to keep their job.

And that wasn't true.

So again, Madam Speaker, we will come back again until somebody, somebody helps us solve the game of Clue. Who took an ax in the Senate leader's office, the Speaker's office, the conference room, who took the ax to 9,000 hard-working Americans in this country, their plants and the communities that depend upon those tax revenues for police protection, fire protection, and schools? Who took the ax and ended those jobs?

And again, President Bush was meant in jest. I don't think President Obama did this. But others on this board, I would posit, had to know, had to know prior to the President's announcement that this was going to happen. And I just don't think that that is right in the United States of America.

Likewise, the 203,000 people that are about to be out of work at the dealerships across this country, again, some of these dealers, these automobile dealers, some of them paid upwards of $2 million to have a Chrysler franchise or a General Motors franchise. And it really boggles my mind that in the United States of America if you are a car company you can come in and say, I don't want to honor these franchise agreements.

And the news just last week was the lawyers for Chrysler are arguing that this Federal bankruptcy should supersede State franchise law. And even though State franchise law says, if you sold this guy a franchise for $2 million, he is entitled to keep it, they want to terminate him and just say, you got no business.

Again, Madam Speaker, I don't know how it goes in your hometown, but in my hometown, the car dealers have been there, in some instances, for generations. They support the little league teams, the bowling teams, and the Chamber of Commerce. A lot of the lifeblood of our community is supported by auto dealers. So I know that the President didn't mean that this set of conditions, this set of circumstances, wasn't going to disrupt people's lives and wasn't going to impact negatively on communities all across this country. And I am baffled that in the United States of America, if you, Madam Speaker, took $2 million, and I wish I had $2 million, but if you took $2 million and bought something, that the government could come in and just say, guess what? You don't own it anymore. And do you know those 60 people that work for you, who in some instances have worked for you 20, 30 years? They are out of work. They are out of work.

So Madam Speaker, we will attempt to unravel this mystery. I appreciate very much the time. And I look forward to working with my colleagues on both sides of the aisle to determine how this could happen in the United States of America.

I thank you, Madam Speaker.

□ 1930

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), I am pleased to re-appoint the Honorable Pat Tiberi of Ohio to the National Council on the Arts.

Mr. Tiberi has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), 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 House Commission on Congressional Mailing Standards:

Mrs. DAVIS, California, Chairman
Mr. SHERMAN, California
Ms. EDWARDS, Maryland

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP.

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, 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 Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas
Mr. DREIER, California
Mr. MACK, Florida
Mr. BILBRAY, California
Mr. NUNES, California

PROGRESSIVE CAUCUS MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, let me just signal that again tonight we come before this body as the Congressional Progressive Caucus with the Progressive Message.

The Progressive Message, this idea of coming before the American people, projecting a progressive message, so that the people of the United States can say, you know what, there are people in Congress today who are willing to stand up and say that ideas about generosity, of justice, of peace, of inclusion, of universal health care, of providing access for everyone, these are principles, there are people who are in that Congress who will stand up for these ideas, and that is the Congressional Progressive Caucus.

And we come and we talk about the Progressive Message where we talk about the importance of this message of saying we will remember great advances of our country of the past, like the civil rights movement, the women rights movement, the idea of coming together for Social Security, standing up for peace, getting us out of Vietnam, standing up against the rush to war in Iraq and Afghanistan. And today, that charge has not failed. That charge has not gone unnoticed, and we're here today to keep the call going.

And tonight for the Progressive Message, I'm really pleased to have join me a leader who never fails to stand up for the people, never shrinks from the call of the people, a progressive, dynamic leader who hails from the great city of Houston, the great State of Texas, none other than SHEILA JACKSON-LEE. I thank Congresswoman JACKSON-LEE for joining me tonight for the Progressive Message. Do you want to get us started a little bit as tonight we talk about health care?

Ms. JACKSON-LEE of Texas. Let me first of all thank the distinguished gentleman, Congressman ELLISON, for his leadership and to applaud the effort of, if you will, recording, reporting, enforcing, and educating individuals on the importance of a holistic approach to health care reform.

Certainly, I want to congratulate the Progressive Caucus, of which I'm a member and my distinguished colleague is, because we have been spending time, Madam Speaker, on working on these issues, constantly seeking to find common ground around a very important issue, and that is, of course, the public option.

Some of us are concerned and interested in single payer, and in our meetings that we have had, which is a number of legislative initiatives, one happens to be H.R. 676. But what we are speaking about is to keep all doors open, all voices open, because as you can see, the idea of coming together around fixing the health care system is going to ensure that we have the kind of baseline of service that will help all Americans.

And let me just make a point to my distinguished colleague. We were just in a hearing on the collapse or the bankruptcy of Chrysler and General Motors, and I call it a collapse, and I call it a crisis. And why? Because we're putting people out of work. Even with the bankruptcy structure they're closing dealerships. They are closing minority dealerships. They're laying people off work.

Well, it was projected in a hearing by some of our colleagues on the other side of the aisle that it was this labor union health care cost that brought the industry to its knees. I refuted that by saying it was the lack of health care in America, and thank goodness for labor unions who are willing to protect their retirees and the workers and give them health care.

And so just take the example of having this access to health care, this public option, this new reform that would help ensure the 47 million uninsured or give companies an option. That would have helped General Motors and Chrysler, not putting the burden on labor unions.

And let me digress for just one moment, and I appreciate the gentleman yielding to me, and I just have to do this because it has to do with focus. It has to do about what is important for this Congress to go forward on.

And today, as you well know, there was an individual that stood up to offer a privileged resolution regarding our Speaker, and I just for a moment have to champion her cause and say that these are the kinds of distractions that take us away from focusing on the needs of the everyday men and women of America. There's some representation about comments regarding the briefing that our Speaker received as it relates to torture. I was there during that period of time, and I am well aware of the atmosphere.

First of all, we should note the Speaker has indicated to have all files released, one point. The second point is in the 1990s, or let's say after 9/11, we had the presentation being given by the Bush administration at the United Nations, and the backbone of that presentation happened to be the Agency. Of course, we seem to be living in an atmosphere of being misled.

So, to my friends on the other side of the aisle who don't look at the real facts of this case, I ask them to do so, but then I ask them to wake up and ask the question of themselves: What do Americans want us to do? They want us to address the question of recession. They want us to address the question of mortgage foreclosure. And they want us to address the question of health care.

And so, for that reason, let me thank you for allowing me to be here. We will be having town hall meetings in my congressional district. I look forward to travelling to other districts, joining my colleagues to talk about the public option, the value of the single payer.

And the message that I leave here is I don't believe any aspect of health care reform should be left out. I frankly believe that under the public option designation, which means that there is something similar to Medicaid and Medicare in a more efficient manner, you could in essence put a single payer choice under that particular structure so that just as people are arguing for individuals to keep their own doctors, you could in fact say, well, you want choice in this way, I want a choice in public option, and we can come to the table and meet ourselves head-on and find the kind of relief that the American people need.

So I'm delighted to be here with my good friend and colleague, Congresswoman WATSON, and you have my confidence and support on how we move forward in the evidence of your great works in bringing to the American people what we need to do for good health care reform.

Mr. ELLISON. Let me thank the gentlelady. We hope that she can stick with us because we'll be here for a little while, but I want to turn right now to another champion of the progressive values around health care, around diplomacy, around so many critical issues. Congresswoman DIANE WATSON's been a stalwart champion, and so I want to invite the gentlelady right now to just give some opening comments and reflections on this critical health care debate that's going on right now in our Nation's Capital and across America.

Ms. WATSON. Thank you so much for yielding, and Madam Speaker, thank you for presiding this evening.

I wanted to join my colleagues because it's important that we speak on such a critical issue as health care, and as we all know the United States is the only industrialized Nation to not offer universal health care to its citizens. Currently, there are only 47 million people without health insurance, and as a Nation we're facing a real health care crisis.

Did you know that blacks are far more likely than whites to die from strokes, diabetes and other diseases? Six million African American adults are uninsured or experiencing gaps in their coverage, and one-third of all adult African Americans are without health care. Sixty-one percent of African American adults who are uninsured during the year reported medical bills or debt problems, compared to 56 percent uninsured white adults and 35 percent uninsured Hispanic adults.

About one-third of African American adults visited an emergency room for a condition that could have been treated by a regular doctor if one had been available, compared to 19 percent of Hispanics and 19 percent of whites. Hispanics and African American working age adults in the United States are at greater risk of experiencing gaps in insurance coverage, lacking access to health care and facing medical debt than white working age adults, and usually when African Americans come in to a health facility, they come in more acutely ill. They go into emergency and end up in the surgical suite at a great cost.

Uninsured rates for working age African American adults are also high, with one-third, or 33 percent, more than 6 million adults uninsured who are experiencing a gap in coverage during the year. Sixty-two percent of Hispanic adults, age 19 to 64, an estimated 15 million adults were uninsured at some point during the year, a rate more than three times as high as that for white working age adults.

Minorities are less likely to be given appropriate cardiac medicine or to undergo bypass surgery. Studies show significant racial differences in who receives appropriate cancer diagnostic tests and treatments.

Mr. ELLISON. To the gentlelady from California, the statistics you've laid out are excellent, and I'm sure we all need to hear more of that. But I just want to ask you for a moment, if I may, in all the statistics that you have read—and they're startling—as you walk around your district in California and you talk to people, just regular folks like at the grocery store, do they tell you stories about their lives, which really are reflective in some of the statistics that you have been sharing with us? I yield.

Ms. WATSON. Absolutely, and I just want to mention the demographics of my district. I have a third African American, a third other people of color, and a third majority, and I have some very wealthy real estate and some very poor real estate in my district. And what I do to accommodate their concerns is send out a questionnaire, and I have five regional advisory groups that come maybe every quarter to my office in the conference room, and I list their concerns. And then we go over each one of the concerns, and what comes at the top is education.

But health care depends on the area that you're in. The very wealthy people can pay for their 50-minute hour with their psychiatrist. So health might come in the middle or down in the lower area of their responses. But in the lower socioeconomic areas, you can always find it near the top. Education is at the top but health care would follow.

Mr. ELLISON. So as you walk your district and you talk to folks, just regular folks, whether they be from the rich district you're talking about or the not-so-rich district, you're saying that people are concerned about this issue of health care?

Ms. WATSON. Yes, they are, and particularly in this era when we have a critical economic crisis they are really concerned about health care. They're out of a job. They don't have any insurance. They don't even get their retirement. Some of them worked for, I would say one of those discount master store. I won't call any names.

□ 1945

And they work part-time and there are no benefits. And these are the people that fall at the end of that spectrum.

Mr. ELLISON. Well, I thank the gentlelady for yielding back. We're going to be right back with the gentlelady in a moment.

But at this time I'd like to get into the conversation one of the very fine physician who happens to be a Member

of this esteemed body, and we're so happy that he is a member of the Progressive Caucus too, and that is JIM MCDERMOTT, a physician, Member of Congress, a long-term practitioner of medicine, who is going to give us a thought on his reflections on where we are in health care, and as a member of the Progressive Caucus.

And I yield to the gentleman from Washington.

Mr. MCDERMOTT. Thank you very much, Congressman ELLISON.

I think that one of the interesting things about the debate that's going on in Congress right now is that the debate seems to be that we can't have a single-payer system in this country. The people aren't ready for it, or it won't work, or whatever, there's all kinds of myths around that.

And one of the fascinating things about it is that now, as we come to the President's proposal, he's proposing that we have a public option among those choices that people will have when the national health plan is put in place.

Now, everybody immediately says, oh, we don't want a public option. We don't need that. The private industry has—they'll come up with enough options and people will have choices. The problem is people won't have money to pay the premiums.

Well, the fact is that the American health insurance industry has had full chance to do it since 1933, when Franklin Delano Roosevelt took this off the agenda. They've had more than 60, more than 70 years, almost 75 years to come up with a plan to cover all Americans, and they have not done it.

Now, there has to be a public option, and it has to be a good option. There is an interesting book, if people are interested in reading about this whole thing, it's called Do Not Resuscitate, meaning do not resuscitate the health insurance industry that's dying. But that means we've got to have a good public option out there for people to choose.

Now, people say, why do we need a public option?

You need the competition of the public option to drive the health insurance industry prices down.

What's happening today—in fact, when Mrs. Clinton tried this effort 15 years ago, in 1993, we had almost 1,800 insurance companies in this country. That industry is rapidly contracting to the point where today we have around 800. And in many States, particularly rural States in this country, they have one choice of an insurance company, not two. So you've got an insurance company, or maybe they'll have two. But there's no competition in that kind of situation. And you need the government plan.

Now, the reason? Why is that? Well, very simply, Medicare has administrative costs of about 3 percent. That means you give a dollar to Medicare, 97 cents goes out in health care benefits to older people in this country. If you give money to a private insurance company, 82 cents, on average, goes out to people. In many companies it's 70 cents is all that gets out to people who are sick.

So we need a Medicare-like, a government option to compete with private industry to drive down those costs, because costs are what are killing our health care system today. Costs are going up much faster than inflation. People are finding their deductible higher. They are finding their co-pays higher. They're spending more money out of their pocket, even though they have health insurance. They think, well, I'm covered. I've got this illness, but I don't have to worry. I'm just going to go and have it taken care of. And suddenly they find out they've got huge bills left after, and that's because the plans are simply not taking care of people's needs. And we need a government option.

Now, there are several things about a government option. First of all, it has to be one in which it takes anybody. You can't give the insurance companies or anybody else the ability to say, I'd like to take that person, but I don't want to take that person. That person's old or that person looks sick, so I don't want to take care of them. I just want to take premiums from people who are healthy.

And the government option has to be one that takes everybody, and so do all the private insurance industry. If we have a health care bill that goes out of this House that does not have insurance changes in it that requires everybody to be taken, then we haven't done what we need.

You heard the disparities in minority communities in this country, and it's also, it's just poor people. It's really not minorities as much as it's poor people who don't have the same kind of health care that people do who have a lot of money. I mean, that's the way it is. And we ought to be honest about this and say if we're going to do a national plan, it takes everybody.

Now, it also has to give the same set of benefits. Whether it's a private plan or a public plan, it ought to have the same benefits.

Now, if the private industry can compete with a government plan, that's fine. But if they can't, they're going to have to find ways to bring their prices down. They're going to either have to squeeze their profits or do something to change the way that goes.

Pre-existing conditions. I had a patient or a woman in my district who was an opera singer. She went to Germany, had a contract in Munich. The minute you go into Germany you're in the German system. You're taken care of.

Her daughter got leukemia. They spent thousands and thousands of dollars treating the child. She came back. The child had remission, and so they came back to the United States. The woman couldn't find an insurance company in the United States that would give her insurance, except at exorbitant rates, $2,000 a month.

Now, why is it that the Germans can figure a way to do that, and we can't in this country?

And my view is that you have to have no pre-existing conditions, you've got to let everybody in, and you've got to give the same set of benefits. And I think that the public option is essential for any bill that goes out of here.

Mr. ELLISON. Will the gentleman yield?

Mr. MCDERMOTT. Yes.

Mr. ELLISON. I'd just like to pose a question to the gentleman. There is a Web site called feedback progressive Congress. This is a Web site. It's called feedback.progressivecongress; 250 people went to that Web site and asked the question, how will you stop denial of pre-existing conditions?

And I yield back to the gentleman. For those 250 folks who got on the Web site and want to know, what do you think?

Mr. MCDERMOTT. You essentially make a decision at the Federal level that we are going to require all insurance companies to take everybody. They cannot use pre-existing conditions.

One of the things that happened back in the Forties was a bill was passed in this House called the McCarran-Ferguson Act, and that said that all insurance decisions should be made at the local level. So we gave it to the States. So you've got 50 different insurance commissioners doing 50 different things all over this country.

When we come to a national health plan that Barack Obama's going to sign, it has to have a national standard that every insurance company has to cover everybody. And you can't say, well, you know, they are this ethnic group or they're a little bit overweight or they smoke. The only thing you can make changes is on age. Obviously, as you get older, there is more likelihood that you're going to have problems. But that's the only kind of rating that there can be in a system that's going to be fair to everyone in this country.

And the insurance companies, they obviously didn't want to take care of this woman's kid because they knew that the chance was she might have a recurrence of her leukemia, and they could see her sitting right there and know she had had the disease, so they said, that's a pre-existing condition. We don't want that family.

You can't let that happen when we write this national plan. It has to be written right here on the floor. They can't trust it to 50 States because some States will have a good insurance commissioner and some will have people who are not quite so publicly spirited.

And my view is that we have to make that decision, and I think the President will support us in that.

Mr. ELLISON. If the gentleman would yield again.

Mr. MCDERMOTT. Sure.

Mr. ELLISON. Forgive me for these questions, but at this same Web site,

which is feedback.progressive congress.com, the question was posed, Will you, meaning the Congress, vote against a reform plan without a public option?

And then it goes on to say, a couple of months ago, Progressive Caucus made a promise to vote against any health care reform bill that does not include a strong public option. Health reform without a public option is no health reform at all. Will you continue to stand by your pledge to the American people to insist on a public option for health care by voting against any bill that does not include it?

And this question was asked by 1,434 people. And the first person to ask the question was Mike.

Mr. MCDERMOTT. Well, in my view, if we have a plan brought out on this floor without a public option in it, it is not universal coverage, because that means the insurance companies have won the whole game. And if they believe in the free enterprise system, then they believe in competition, and they ought to be able to compete with a government plan that's well done, and not given any special advantages, just the fact that it's going to be done without profit, so you're not going to be worrying about—insurance companies worry about profits for stockholders. The government doesn't worry about profits for stockholders. It worries about giving services to human beings. That's why the administrative costs in Medicare are so much less than those of an insurance company.

So I can't imagine myself voting for a plan that does not have a public option in it.

And I'll tell you one of the little tricks that people have to be watching for. In the part D in Medicare, which was the drug benefit, they said, well, if there aren't two plans in an area from the private sector, then they would go to a public option. Guess what? The industry went out there and got involved everywhere, mostly because we gave them such heavy subsidies that they could make a lot of money. So they said, yeah, we'll go in and treat, we'll deliver drugs to people in this country. And it was a false public option. It says public option in the bill, but they knew it would never happen because they subsidized the pharmaceutical industry to such an extent that it just never—they were making money so they stayed and did it, and we didn't need a public option.

Mr. ELLISON. Well, if the gentleman would yield, I want to get Congresswoman LEE involved in the conversation. We'll be right back with the gentleman in a moment because I know the gentleman has plenty more to go, the good doctor from Washington State.

But we do have with us Congresswoman BARBARA LEE, who is wearing a fabulous blue suit tonight, but more importantly than that, has been a fighter for people for so many years on so many issues; currently, the chairperson of the Congressional Black Caucus.

Congresswoman, give us your thoughts on the progressive vision for health care in America, the debate going on right now and all across America.

I'll yield to the gentlelady.

Ms. LEE of California. Thank you very much. I want to thank the gentleman for yielding, for his generous comments, and for your leadership.

And a couple of things I'd just like to say as I was listening to the discussion tonight.

First of all, and Doctor, Congressman MCDERMOTT, I'm very pleased and delighted that you laid out why a public option is necessary to reduce health care costs. That fact, I think, is often missed in this health care reform debate.

I personally think that single-payer—and I have to applaud Congressman CONYERS and all of those who are supporting H.R. 676.

Mr. MCDERMOTT. Me too.

Ms. LEE of California. That's where we should start. That's where we should start. And whether one agrees or disagrees with single-payer, that option has to be on the table for us to even move toward universal affordable health care for all. But I hope that we end up with single-payer.

And when you look at Medicare and when you look at single-payer, it works. It has worked for many of our veterans in terms of cost containment of medical costs. The VA is allowed to purchase pharmaceuticals and drugs at a price that is lower than on the open market, and so it just makes a lot of sense. So a public option is absolutely necessary, and I'm very proud of the fact that the Congressional Black Caucus has gone on record calling for a public option.

Also, let me just mention the importance of closing health care disparities. I was listening to Congresswoman WATSON earlier talking about that. When you look at the disproportionate rates, for example, of HIV and AIDS or of diabetes or of other diseases in communities of color and, of course, on top of that, we have the poor, and rural communities.

□ 2000

So, if we don't look at closing health care disparities and look at a strategy for that and at health care reform, we're going to end up with another two-tiered system. We will have health care reform for those who can afford it, but we'll have the millions of people who have historically had these disparities, because of the economics of their lives and because of the circumstances of their lives, who won't be included at all in any new health care reform effort.

I, personally, don't believe health care should be an industry. I mean profits should not be made off of sicknesses and illnesses. We should begin to understand that, as we keep health care as a profit motive only, we'll never have the type of system that's affordable and accessible for all.

Prevention: What is it? An ounce of prevention is worth a pound of cure. We have to focus on prevention in any health care reform. Many of us have ended up in emergency rooms with our families, and we see what happens in emergency rooms. Many people, especially in communities of color, end up going to emergency rooms for primary care or they go to emergency rooms when it's really too late and when they could have had some form of preventative treatment. So we have to look at prevention as key in this reform debate.

Also, community clinics: Community clinics provide access to the poor and to rural communities as well as to urban communities and to communities of color. So I hope, in any debate and in any health care reform we have, that community clinics become central in that effort.

Mental health care: Congressman MCDERMOTT, you are a psychiatrist by trade, by profession. I'm a clinical social worker. We've fought for years for mental health parity. Now mental health parity, thanks to Congressman PATRICK KENNEDY and to Senator KENNEDY, it's the law of the land. In any health care reform efforts, we have to include mental health as being as important as one's physical health.

So, Congressman ELLISON, I'm really pleased that you're continuing to beat the drum for the Progressive Caucus on the issue of health care reform. You are putting forth our vision of health care reform, which is really a vision that addresses the majority of Americans in our country. It actually affects all Americans and it impacts all Americans. So the progressive promise, which the Progressive Caucus laid out several years ago, is a promise for the entire country.

Tonight, once again, we're talking about that promise. Hopefully, that promise and that dream will be realized as we move forward and provide health care for all.

Mr. ELLISON. Will the gentlelady yield for a question?

Ms. LEE of California. Yes, I will yield.

Mr. ELLISON. The Progressive Congress.org asked for questions for the Progressive Caucus and for other progressive legislators on the issue of health care. Fifty-nine people want to know: What about the chronically ill?

There is a lot of talk about subsidizing ''those who can't afford it.'' What about subsidizing the chronically ill, who have to pay outrageous fees for minimal access? What will you do for them? Is it the sick who need health care subsidies, those who truly cannot afford it at any income level?

You mentioned HIV/AIDS. You mentioned other chronic illnesses. I wonder if the gentlelady has any views on that topic.

Ms. LEE of California. Sure. The chronically ill should be a priority in our health care reform effort. Unless one has health care insurance—which, of course, in any health care reform plan, one can maintain one's health insurance. So, if one has the insurance to cover chronic illness, that's great and that's fine. That coverage will be maintained. For the chronically ill who have run out of funds and who don't have any money and who don't know what to do next, we have to include the chronically ill in our health care reform package. We have to include long-term care and other types of provisions and policy initiatives for our senior citizens, for example, or for the disabled, who deserve long-term care. This has got to be covered. This is a must.

I believe the Progressive Caucus gets it, and I think the rest of the country gets it. So we have to make sure that this is part of our effort and of our legislation.

Mr. ELLISON. I thank the gentlelady for yielding back. I hope the gentlelady can hang on with us for a little while longer.

Mr. MCDERMOTT. Could I just say one thing?

Mr. ELLISON. Yes, the gentleman from Washington.

Mr. MCDERMOTT. Representative LEE raised the question of profits for insurance companies.

Between 2000 and 2007, the insurance companies profits in this country went from $2.4 billion to $12.9 billion.

Mr. ELLISON. If the gentleman would yield, would you repeat that?

Mr. MCDERMOTT. $2.4 billion to $12.9 billion. That's an increase of 428 percent.

Mr. ELLISON. Wow.

Mr. MCDERMOTT. Now, you're going to see ads on television saying, oh, this government option is the worst thing that has ever happened to this country and that we need to save the poor, struggling insurance companies. Just remember those figures.

The average collective salary of the executives, the CEOs, is $118 million. That's an average of $11.9 million a piece. If you're running an insurance company and you're making $11.9 million, what do you think your real interest is in taking care of people? Your interest is in getting as much money as you can. Give it to the stockholders and keep it for yourself. That's why we have to have a public option where the public good is the driver in what we try to do.

Mr. ELLISON. Will the gentleman yield for a moment?

Mr. MCDERMOTT. Yes.

Mr. ELLISON. In Minnesota, we have a health care company where a particular executive, who is no longer there, made $100 million every year. If he made $90 million one year, he'd have to chalk that up as a bad year for him. Here is my question:

If this hypothetical but real gentleman only made, say, $10 million a year—just $10 million a year—wouldn't there be at least another $80 million to $90 million a year just out of his salary alone to extend coverage to more people?

Mr. MCDERMOTT. Of course.

Mr. ELLISON. Would the gentleman or the gentlelady like to address this issue?

Mr. MCDERMOTT. I mean the answer is so obvious that I know you're not asking me a question, because it's clear that the money that people are paying in premiums is not going to pay for health care. It's going to pay for a whole lot of other things. That's why we want a strong public option that takes the money that people pay and has it pay for health care.

Mr. ELLISON. Would the gentlelady like to weigh in?

Ms. LEE of California. Health care is big business. It's profit-driven. It's big business such as any corporate entity in our country. In any health care reform package, we have to make sure that it is not the profit motive that's driving health care reform. All of us have instances where we know of either constituents or of family members who have to wait on an account executive to make a medical decision for them, and that account executive has to go back to the corporate officials to determine whether or not this individual will be allowed a certain medical treatment. That is wrong. It's really unethical. It's hard to believe that that is still happening in our own country.

Let me just say that I lived in England for 2 years, and I'm not saying there is any system that we need to look to as a model, but I have to just tell you that I lived in Great Britain. My first son was born in Great Britain. I've lived under a different health care system, and I know what that system provided, not only to British citizens but to me, and I was a U.S. citizen who was living there for 2 years. It was a system that was much further advanced than, I think, we have ever had in our own country.

I say that because there are other ways to do this, and we need to look to see what the best ways are in terms of health care systems throughout the world. It's being done differently, and people are benefiting in other countries, and we just need to know that there are other options.

Mr. ELLISON. Will the gentlelady yield just for a moment? I just want to ask you a question. I pose this question to both the Members of Congress who are with us tonight.

Aren't you talking about socialized medicine? Aren't we supposed to be scared of this?

I yield to the gentlelady.

Ms. LEE of California. Well, let me just say that, by any stretch of the imagination, I don't believe that England is a socialist country, and I'm not talking about socialized medicine. I know what ''socialized medicine'' is.

What I'm talking about is making sure of our values as American people, as people who care, the least of these being ''I am my brother's keeper;'' ''I am my sister's keeper.'' I'm talking about the most powerful, the most wealthy industrialized country in the world having 47 million people uninsured, and it's growing. There are 10 million more now as a result of this economic downturn that has resulted from these last 8 years of Bush's economic policy.

So come on. We have to begin to look at how we begin to reflect our values as Americans in this great democracy, and we have to begin to say that we're going to be concerned about everyone who deserves health care but who does not have health care. So, no, that's not socialized medicine. Trust me. I know what socialized medicine is, and I don't think anybody on this House floor would want to see our country enact a socialized medical system.

What we want is a universal, accessible, affordable health care system for all regardless of one's ability to pay, regardless of one's disability, regardless of preconditions, regardless of one's ethnicity, regardless of one's economic status. As long as people don't have the money to purchase a large health care policy, then they should at least be provided with a public option so they can live. This is about, you know, life. This is not about counting beans. This is about life and death issues.

Thank you.

Mr. ELLISON. If the gentlelady would yield back, I just want to pose a question to the gentleman from Washington, Congressman MCDERMOTT.

Before you make your point, could you just address this issue? I think, as we go through this debate, there will be people who will say that a public option is nothing but socialized medicine. In fact, I've heard this word ''socialist'' thrown around already in this Congress. What do you say to this?

I yield to the gentleman.

Mr. MCDERMOTT. Well, first of all, the American people would be offered a plan from the United States Congress. Yet, as the President has said, if you have insurance, you can stay right where you are. If you're satisfied with it, stay right there. Don't worry. You're not going to be made to do anything, but we are going to offer you a choice of a public option. Now, if you don't like what you're in now and you want to move over to the government program, you can do it.

That is not socialism. That is not forcing everybody to do the same thing. That's saying, if you want to stay where you are, fine, that's all right, but if we put together a good public option and it looks better to you, it's your free choice.

Mr. ELLISON. If the gentleman would yield for a moment, should Americans not be afraid of some of these terms that are tossed around? Is there nothing to fear? Is that what you're saying?

I yield to the gentleman.

Mr. MCDERMOTT. I'm saying that you're going to see a big campaign of

fear mongering, of trying to make people afraid by using all kinds of words. The fact is that they are simply deceptive in the worst sort of way when people are vulnerable and when they're sick. Then somebody tells them, ''Oh, you don't want that because—''

In 1993, there were some ads on there called ''Harry and Louise.'' They're sitting at the kitchen table, and Harry says to Louise, Do you know that the plan that Mrs. Clinton is putting together is going to take away your health care?

Well, that was simply to scare people, and people, since they weren't sure, decided they didn't like her plan, but we could have had this 15 years ago. We could have had a change in this country 15 years ago. Now we get a second chance. This time, the people are in much worse shape than they were then. Business wants it. Labor unions want it. Even doctors today who were sort of against Mrs. Clinton's plan now are saying, you know, you can't deal with insurance companies. So you've got a whole bunch of different people this time who are saying we need a public option that can make the system fairer and that can work for everybody in the country.

The people can choose. The American people are not stupid. They're not going to fall for this kind of advertising that they used the last time.

Mr. ELLISON. I thank the gentleman for yielding back. I'll yield to the gentlelady from California.

Ms. LEE of California. Yes. I would just like to say that the question has to be asked of the public:

Why would companies with big bucks run these advertising campaigns? It's to try to scare people. This money that's going to be put out there is very, very—I would say—wrong. Again, Congressman MCDERMOTT said that it's almost preying on the most vulnerable when they need help, when they need something. So it's sinister to mount that type of a campaign and to believe that any of us would want socialized medicine. It's a scare tactic. I think we all have seen this before.

I thank you, Mr. ELLISON, for having these Special Orders, because we've got to sound the alarm and beat the drum and let people know that no one is talking about socialized medicine.

□ 2015

I hope the country hears us loud and clear. No one is talking about socialized medicine. We're talking about affordable, accessible health care for all with choice as being central to that policy.

Mr. ELLISON. I thank the gentlelady.

Let me point out as we walk into this new round of debate in health care, there is a pretty well-accomplished Republican adviser and consultant who has come out to be heard on this issue. And the gentleman, Frank Luntz: ''Warns GOP Health Reform is Popular.'' This has been published. This is a headline. Mr. Luntz is telling his constituency that health reform is popular, and he's warning the GOP what they should do if they ever want to come out of the cold.

Dr. Frank Luntz, a top Republican consultant on the language of politics is warning the GOP that the American people want health care reform and that lawmakers need to avoid directly opposing President Barack Obama. ''You simply must be vocally and passionately on the side of reform,'' Luntz advises in a confidential 26-page report—I guess it's not so confidential now—obtained from Capitol Hill Republicans. ''The status quo is no longer acceptable if the dynamic becomes President Obama is on the side of reform and Republicans are against it. Then the battle is lost and every word in this document is useless.''

I think it's important to bring this out because we, of course, care about our Republican colleagues. We're all in the same body. And I think the advice to them is to avoid the fear stuff, because as Frank Luntz, a man who knows this stuff, has said, health reform is popular.

I wonder—I mean, do either one of the esteemed Members have any views? Is this health reform that is talked about all over the Nation, is it popular? Do people really want it, and does a politician who stands against reform run the risk of paying the price at the polls?

I offer the question to either Member.

Mr. MCDERMOTT. Well, you know, the Republicans didn't do anything in 8 years on this issue. Nothing. Not one more person was covered than was before. In fact, the number of uninsured went from 35 million to almost 50 million during the period that George Bush and his cohorts were running this place.

The American people in November of 2008 made a decision: we want change. We want something different. And President Barack Obama has offered the leadership and has said this is the way we ought to go and has laid it out and the Congress is working on it. Anybody who opposes this in the long run is going to be taking a real risk in the next election saying, Oh, I was against that because—because why? Because you wanted to give the insurance companies everything? Is that what it was you were after? Or is it because you don't think that we can make any changes in the system; the system is perfect?

One of the things I was going to quote for you, there is a man named Zeke Emanuel. He's the brother of our President's administrative assistant. He's the head of the department of clinical bioethics at the National Institutes of Health, and he says this: the U.S. health care system is considered a dysfunctional mess. Conventional wisdom has been turned on its head. If a politician declares that the United States has the best health care system in the world today, he or she looks clueless rather than patriotic or authoritative and they run the risk of opposing—if they oppose this, they are going to look like they are out to lunch.

And I think that's not a good situation to be in when you're running for re-election.

Ms. LEE of California. You can't tell me that the 47 million uninsured in our country are all in Democrats' districts. You can't tell me that it's only Democratic Members' constituents who are uninsured. The lack of health insurance is an equal opportunity destroyer. So just as with the economic recovery package, I said over and over again, people have lost their jobs not only in Democrats' districts but in Republican districts. And so the public wants health care reform. I don't care what party they're registered with and who represents them.

We have to also remember that given this economic downturn, the first reason for bankruptcies, the top of the list, health care. Health care. That's the reason people are filing bankruptcy. The first reason, the cost of health care.

Mr. ELLISON. Well, you've opened up an issue that I would like to explore for a moment, and that's an issue of cost and expense, how much is it costing. I think the gentleman from Washington already talked about the exorbitant expenditure. And this chart I have to the right—projected spending on health care as a percentage of gross domestic product—what this chart shows is that we are nearly approaching 50 percent of gross domestic product when you add up all of health care. This big shaded area, the light blue-gray area here is all other health care. This little thin slice is Medicaid, and this low slice down here is Medicare, which we all know is one of the most efficiently run health care systems that we have—by the way, a single-payer system.

And we've seen, as the percentage of GDP that if we add it all up, it's getting up to 50 percent. And my question is—and by 2082, it will be 50 percent. Here we are back here. It's been crouching up. And now we're in the realm of approaching 15, 14 percent. But if it keeps on growing, we will be paying 50 percent of our gross domestic product in health care by 2082, which, quite frankly, is not that long from now.

These numbers are going in the wrong direction.

I also want to bring up another chart very briefly. And this chart talks about net insurance program administrative costs as a percent of total spending. The fact is, if you look at Medicare, administrative costs are pretty low, about 5 percent or less. Medicaid, a little higher, 8 percent. Top five private companies, 17 percent. Small group, 29 percent. Individuals, 41 percent. Average private insurance, 14 percent.

My question is, can we continue to see administrative costs be so high?

When we talk about having an insurance program, what are the implications for the average citizen trying to get health care?

I yield to the gentleman.

Mr. MCDERMOTT. Let me give you just one figure out of that.

When we looked at that in 1993, the administrative costs were—we could save $140 billion by going to a single-payer system. The administrative costs in that system are totally out of control.

I'll give you another way to look at it, to really think about it. France has been judged to have the best health care system in the world by the World Health Organization. They spend one-half as much per person as we spend in the United States, and they have one doctor for every 430 people. And in the United States, we have one doctor for every 1,230 people.

Now, you can't tell me that the French are that much smarter than us, that they could figure out how to get the best health care system—we're rated 37 when you look at infant mortality and maternal mortality and longevity and morbidity for hypertension and for diabetes and all of these other things. We are not in the best health care system in the world despite of what we're spending.

Mr. ELLISON. But are we number one in any particular aspect?

Mr. MCDERMOTT. We're number one in how much money we spend.

And my view is there's plenty of money in this system if we were more efficient and had more primary care physicians. I put in a bill that would make medical school in public medical schools free. In exchange for that, a medical student coming out would serve 4 years in primary care in underserved areas or inner-city areas—areas where people are underserved, whether it's the urban or the rural area. And we would take the debt load off our students. That would cut down the costs of medical care in this country.

We can do some things that would be real game changers if we were to change. Right now, most medical students go through and go into a specialty because they have to pay off their debts. And we can stop that. There are a lot of ways we can cut costs if we start thinking about those issues.

Mr. ELLISON. I thank you.

If I could yield to the gentlelady from California

Ms. LEE of California. It doesn't take a rocket scientist to understand that the billions of dollars going for administrative cost that drive up the cost of health care is what I'm talking about when we're talking about the profit motive and the fact that there are big bucks being made in the health care industry. And that is what is driving up the cost of health care in many respects.

So we have to get to a system that allows for, yes, profits for those who want to make profits, for those who have those types of health care, you know, who can afford those types of health care premiums. But also we've got to have some fairness and some justice in this health care system for those who can't afford those kinds of plans.

And, in fact, single-payer, as Congressman MCDERMOTT said earlier, it's been shown that you drive down the cost of health care if you have single-payer. And I think the American people need to believe this and understand this, and if they just look at what you just showed us earlier in terms of the cost of health care and if you have a system that is fairer, then you will drive down those costs and then everyone will be able to afford health care. And that has nothing to do with running any company out of business. I support companies, the business sector, making money, making profits. I was a business owner for 11 years. So I get it. But I don't get how in the world can you do that at the disadvantage of 47 million-plus who are desperate for some kind of health care coverage.

So we have to deal with this quickly.

Mr. ELLISON. If I could ask the gentlelady a question. You just noted that you were a business owner for 11 years. How does a public option, single-payer impact small business people? Is this going to put them out of business as we've heard, the scare tactics and so forth? Or would this, perhaps, help them out?

Ms. LEE of California. I will tell you as a former small business owner, had we had single-payer, my business would have thrived a little more. Small businesses need help. Small businesses want to insure their employees because they know that a happy workforce, a workforce that has good benefits, good wages, decent wages, living wages, that's how productivity is ensured. When you have businesses that are struggling to survive because they can't afford the cost of health care, they need some help.

A single-payer system would help small businesses with their health care costs. And I have talked to many, many, many small businesses about health care reform, and many of them agree they need some help because they know that health care reform could drive their costs up and they don't want that, they don't need that. And we have to make sure that our small businesses are treated fairly and that the employees have health care coverage. And the single-payer system would certainly help small businesses move forward and insure their employees.

Mr. ELLISON. I thank the gentlelady for making that clear about small business because it is important that for people to know that we have this burgeoning coalition of people who want to see single-payer, at least want to see a public option. Clearly, we know that the forces of labor would like to see this public option and many of them call for single-payer. We know that the Chamber of Commerce has said we need health care reform. They may not be calling for single-payer, but some are. We know doctors are. But also as you pointed out, it's critical to know small business people would benefit from single-payer or at least a public option, which is critical.

And I just want to say, as we begin to wrap up the night, that the need for health care reform in a public plan is essential. Reform will alleviate the burden on families by lowering costs, ensuring timely access to affordable health care, making sure that everybody has access to preventative care to help keep people healthy so those people that you were referring to don't have to worry about their employees being sick and not coming to work. They got a plan so they're coming back to work every day.

And allowing workers to change jobs without worrying about losing health care. In this age of increasing unemployment, should a person lose their job and lose their health care? It's a scary prospect, and I suppose I pose that question to the gentlelady as well.

As you talk to your constituents and you walk around the City of Oakland and you're in the grocery store, and you're in the park and in the community meetings, what are you hearing about people's fears as it relates to how they might lose their job—I mean, lose their health care if they should happen to become unemployed?

□ 2030

Ms. LEE of California. You know, right now people are worried. First of all, in a country as great as ours; in a country that spends over $600 billion for defense, and more; in a country that spent close to a trillion dollars on wars that should not have been fought, it is a shame and disgrace that a person has to fear and worry about losing a job and health care. I can't understand this. I can't believe that our values are there.

I think that this is a debate that has ethical and moral dimensions for us as a people. And I can't imagine any Member on this House floor wanting to see a person lose a job, and then health care, and not want to do something about it immediately.

So I want to thank you for your leadership. I want to thank the Progressive Caucus for their leadership. And we're going to stick with this public option. We want disparities closed. We want community clinics, we want prevention. There's big, big pieces of this health care reform bill that we're insisting on.

Thank you, Mr. ELLISON.

Mr. ELLISON. Let me thank the gentlelady for yielding. That will close us out for the night.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Mr. PETERS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I appreciate being recognized and having the opportunity to address you here this evening from the floor of the House of Representatives.

As usual, if I sit here and listen carefully to those who have addressed you just previous, I get a different viewpoint on life than the one that I happen to hold.

This is what this House is about. It's about open debate, it's about the contest of ideas and, at least in theory, and I'll say historically in fact, good ideas that have come out into this arena of this debate here on the floor of this House have been challenged. Sometimes there are clashes out of that. The things that are facts should emerge and the good judgment should prevail over bad judgment.

That is, I will say, a broad generalization that I give. But as I listen to the discussions on health care and the posters that go up again night after night, the blue posters that say, Progressive Caucus, check in here. We'll tell you where America needs to go, and I'm listening to this discussion about health care and the argument. Here's one that I wrote down: If you have insurance you can stay right there. Don't worry. This is not socialism. The gentleman from the State of Washington made that statement.

This proposal—President Obama's proposal and the one perhaps mirrored by the Progressive Caucus, which was represented tonight, they say, This is not socialism. Don't worry. If you have insurance, you can stay right there and keep your own insurance policy.

Now let's examine those two statements within the context of what we're talking about here. If you have a health insurance that's privately held—maybe it's provided out of your wages, which would be allocated from your employer. If your employer is purchasing the health care policy for you, or if you're purchasing it out of your own pocket, however you might have that health care policy, that health insurance policy, we call that a private policy.

Of all of the Americans that are insured in that fashion, this proposal would offer another alternative, and that alternative would be, Well, you really don't have to keep this private health insurance policy. You can be insured off the government policy instead.

Now we wonder why we have private-sector employers that believe in free enterprise and should understand the dynamics that come from capitalism that would be supporting such an idea that there would be a government-run health care program for everybody that is apparently not covered already within SCHIP and Medicare and Medicaid.

Sixty-five percent of the health care dollar that is already paid by taxpayer dollars, those 35 percent that remain, why would an employer want to support a policy that would replace the policy that he is providing for his employees with a government program?

Of course, if we think about that for a minute, we know the answer. An employer might support that because they see that they can get some other taxpayers to pay a bigger share of the burden of providing that health insurance. And so some employers will opt to support the proposal of the President or the Progressive Caucus because it will lower their overhead costs and, at least in theory, up their margins will come.

So when you hear the gentleman say, If you have insurance, stay right there. Don't worry. There is going to be fearmongering. You are going to see a campaign of fearmongering, to quote the gentleman from Washington precisely.

It's not fearmongering to realize that we would be losing the private sector-provided health care in America. Because employer after employer, when they had to pay the health insurance premiums for their employees, would look and decide, Well, I think I'm going to have to go into the government program because, after all, I can't compete with my competition that is using a government-run health insurance program.

By the way, what does the government do? They take the taxpayer from the workers. All of us pay taxes. By the way, corporations do not pay taxes. Corporations collects taxes from persons, from individuals, from end users.

They're an aggregator of those tax dollars. They bring them together, then they write the check and send it off to the Federal Government. But they don't pay taxes. They build that into the price of the goods and services that they are selling. That is a very simple concept that seems to not be very well understood by a lot of Americans, Mr. Speaker, and I'm not convinced that it's understood at the White House itself.

So the statement, If you have insurance, you can stay right there, only means a little while, because over time the private sector has to compete with the government sector. Government can always defeat the private sector simply by shifting costs off on to some other faction or write the rules in such a way that it's to their advantage.

Now here's another example. The argument that under the prescription drugs under Medicare, that negotiating for the price of those drugs should be done by the Federal Government. The leverage already that drives down those costs pushes the costs up higher in the other sectors.

We have a lot of health care overhead. And when we think about what happens within this, if someone goes into the hospital, and let's just say they get a hip replacement. That hip replacement will come for a fixed price, if it's Medicare. If it's a large insurance company that has negotiated a price that lots of times tracks the Medicare reimbursement rates down below the cost of providing the service, they will also only cut a check for that negotiated amount.

Sometimes it's actually less than Medicare with large insurance companies. Most of the time it's slightly more. But they track with each other. And the smaller the insurance company, the less leverage they have and the more likely it's going to cost that insurance company more for the same procedure. That's called cost shifting.

Cost shifting takes place because government has already driven the reimbursement rates down so that the health care providers can't keep their doors open unless they shift costs. That is an unjust tragedy that is taking place in America because government has interfered in the pricing process.

Another unjust inequity that is taking place is that back during World War II there were wage and price freezes. And when the wage and price freezes were established in order to keep our economy from having the costs skyrocket during World War II—and, by the way, I disagree with that policy—the price freezes and wage freezes kept employers from giving wages to their employees in order to compete on the labor market, which was very tight. In fact, at the end of World War II, we had the lowest unemployment rate in the history of America—1.2 percent.

So employers, to be able to get around the wage and price freeze, gave health insurance benefits to their employees and paid the premium. They were able to deduct that premium as a business expense. But the employee couldn't deduct that premium themselves.

So it set up an incentive, and some would say a perverse incentive, for employers to provide health insurance for their employees because they could deduct it, the employees couldn't. They needed to compete for wages and benefits, and that's how the package came together.

Two large inequities, two fundamental flaws in the health care industry. One of them was: Whatever health insurance or health care costs that would be deductible for any entity in America should be deductible for every entity in America whatsoever. For the individual that is self-insured, that wants to write the check for their hip replacement, for the individual that wants to pay a low insurance premium in order to establish a high deductible and a high percentage of a copayment in order to get a low insurance premium, that person should able to deduct their costs the same as the one who has a full, full coverage policy at a relatively high premium per month, whether that's the employer that writes the check for the insurance and the health care itself, whether that's the individual, or whether it's the government.

All of these entities should pay the same price. And any private sector should be able to deduct the cost the same. No corporate executive or no corporation should have a comparative

advantage against an individual when it comes to health care services.

Those two inequities are what is wrong with this health care industry that we have in America. It's not that we don't have enough government health care, it's that we have too much government-run health care. We need more private sector. And the way we do that is provide the incentives so that business and private-sector people can make those decisions to manage it for themselves.

We have a health savings account program that allows over $5,000 to be deposited in the HSA on an annual basis by a couple. It started out $5,150. Now it has gone up with inflation every year, indexed, which is a very smart thing.

A young couple that would invest those dollars at age 20 and max that out every year and still take out the current value equivalent of $2,000 a year would see about $950,000 accrue in their health savings account by the time they retired 45 years later. That's a pretty good nest egg to have.

And Uncle Sam's interest in it is: Tax it. Tax it as an inheritance tax, tax it as real income. But, whatever, don't let the individual that has responsibly managed their health care for their life be able to take that money and invest it or spend it.

I suggest that we should allow—I would double the health savings account maximum amount and I would encourage young people, especially, to invest in the health savings account and see them arrive at retirement with not $950,000, but maybe $1.9 million in that account. And they could then easily purchase a paid-up health insurance policy that would replace Medicare. And if they do that, then we ought to then let them keep the change, the balance, and be able to invest that or spend that or hand it off to their children, without tax.

That's the best way to go at this health care—make it fully deductible; address the issue of cost shifting so they actually reflect the real costs in all of the billing; expand health savings accounts so that they can actually be retirement savings accounts with well-managed health care; encourage the insurance companies to provide premium benefits for those who have healthy lifestyles—those that don't smoke, those that maintain their weight, those that get a regular physical, those that can document that they are managing their health care in a fashion that is a responsible way of taking care of their bodies and the checkbook at the same time. All of that makes sense.

But what I'm hearing over here is, We want to do socialized medicine, but don't call us socialists and don't call it socialism. It is really ironic to me to see three members of the Progressive Caucus on the floor of the House of Representatives with a big blue poster on their easel that says: Progressive Caucus. Check out our Web site. Google Progressive Caucus.

Mr. Speaker, I suggest that people do that. Google Progressive Caucus. Read every word that's in there. And think about what people are saying from here, members of the Progressive Caucus.

The gentleman from Washington said, This is not socialism. Well, I would ask: Do you know who was managing the Web site of the Progressive Caucus up until 1999; who hosted the Web site, who maintained it, who took care of it? Do you know? I think you know.

I know. It was the socialists that managed your Web site. The Democratic Socialists of America took care of the Progressive Caucus' Web site until 1999, then they disconnected that, and the Progressive Caucus, you took care of your own Web site after that because there was a little political heat that was linking you too close to socialism.

So the gentleman who is a member of the Progressive Caucus tells us that his health care proposal is not socialism, but the Progressive Caucus in the Web site that was owned, operated, managed—perhaps not owned, but operated and managed by the socialist, the Democratic Socialists of America, whose Web site is DSAUSA.org. Anybody that goes to that and Googles DSAUSA, the first hit that comes up will be the socialist Web site. And on there it will say, We're not Communists.

So it's interesting to hear that Progressive Caucus members claim they are not socialists, but they're linked to the socialist Web site. The socialist Web site says, We're not Communists.

Now, I don't know the distinctions between communism, socialism, and progressivism. I would think we'll get all kinds of definitions and the nuances will emerge if we can have an intense debate about this. But there are a lot of similar philosophies within those ideologies. And the distinction between the Democratic Socialists of America and the Progressive Caucus, I think, are awfully hard to identify from reading both Web sites. And I have read them both.

□ 2045

So I would encourage people, Mr. Speaker, go to the Web site of the Progressive Caucus, Google it, read it. Go to the socialist Web site, dsausa.org, read it. Read the definition they have of communist, which they say they're not, and what their plan is. They say the distinction is that communists want to nationalize everything. They just want to nationalize the large corporations. They think that some of the small businesses could be run by, let's say, the barbers and the shopkeepers, they are actually run better by ma and pa. I agree with that. They are. But so are the big businesses better off run by the shareholders than they are the unions. But the socialist Web site calls for the nationalization of large corporations in America. They say, We don't have it do it all at once. They can do it over time. These Representatives here, the Progressive Caucus, claim that taking over the health care industry in America is not socialism because for a while, they're going to let you have your own insurance policy, the one you own today. You get to stay there. But did you hear anybody say, We're going to provide the framework so that there can be new insurance companies that spring up and new competition brought into the marketplace? Did anybody say that they expected to see the growth of new private sector companies? Of course not. Because those proposing socialized medicine are proposing socialism. They're proposing the eventual nationalization of the large corporations in America. Even if it comes out of a cassette in the head of the people talking the way they used to say it several months ago or several years ago, the real reality of today's economy is far different. We have the nationalization of large investment banking companies in the United States today. We have the nationalization of AIG Insurance Company today. We have the de facto and probably the ultimate nationalization of two of the three large automakers in America today. We have the advocacy for a national health care plan which will replace any health care plan eventually because the competition from the private sector will be dried up by the pressure from the government. When that happens, then what you'll see is what we've seen in every nation in the world that has socialized medicine. That is, lower-quality care and rationed services.

I ran into a gentleman in a Menards store in Iowa some months ago who happened to be an immigrant from Germany. He told me about his hip replacement. He had waited in line for 6 to 7 months to get a hip replacement. Finally he got scheduled to get his hip replaced not in Germany but in Italy because the line was shorter. So people around the EU, they get themselves in the queue and try to get through to get this important surgery. We have people that have heart disease that need to have maybe a valve replacement or other types of surgery who lay in bed for a year in the United Kingdom because they haven't come up in the queue yet. There's only so much that can be handled. We have this large inner city government-run health care program now. We have socialized medicine in our inner cities. Now I'm thinking of some of the people I know that are involved in that who are good providers, and they're sincere about what they do. But is anybody seeking to replicate the services that we see there? Do they say so? Will they admit it? Because the policies you are advocating seek to replicate this socialized medicine that we see across the world, which rations services, lowers the quality of care, suspends the innovation, and discourages people from coming into the industry. It takes me back to

those articles from the Collier's magazines that were published in 1948 and 1949. I had a World War II veteran who served out of Great Britain; and if I remember right, he flew on B–17s out of England over Europe. He brought me the originals of the Collier's magazines from 1948 and 1949, and I was able to read through them. Each magazine had stories in it about shaping the socialized medicine in the United Kingdom, which took place in 1948. Almost the immediate result, month by month you read that through until 1949 where there were pictures of people standing in long lines outside of the health care clinics and doctors that were tired and dejected because they could only spend just minutes with a patient. They had to run from patient to patient to see enough patients so they could feed their own kids because they got paid so much for a visit and the government set the price. It rationed the health care, and it narrowed the quality of the care. Today we see the same thing, only it's more stark because we are more sophisticated with the modernization of our health care.

There is nothing there that I want to adopt from these foreign countries. The things that they tell us are, Well, we learned from their mistakes, and we'd never set up America to make the mistakes that were made in the foreign countries. Well, if you know the answers, gentlemen, why don't you clue them in in places like Canada, the United Kingdom, all across the European Union. Clue them in. Tell them what it is, your secret on how this is going to work, what you've learned from their mistakes.

But the statement from the gentlelady from California: No one's talking about socialized medicine, close quote. Really? I think we need to define what socialized medicine is. That's when the government takes over the system and runs it. Just because you leave some insurance companies in place so you can say you have a choice until you starve them out, until they atrophy on the vine and everything becomes socialized medicine doesn't mean you're not talking about socialized medicine. You clearly are.

Then also the gentleman from the State of Washington said that between 35 million to almost 50 million uninsured in America. So from 35 million and now it's gone to 50 million uninsured. The highest number I can find out there is 47 million. But there's another number out there that tells me something else. That is, of the uninsured, at least one in five are illegal immigrants that don't belong in the United States, that if we're going to provide them socialized medicine, can we at least send the Department of Homeland Security there to deliver them their little voucher or their debit card for their health insurance? Let's send ICE to deliver it to these 12 million illegals, and we can cut this number then down to 35 million just by simply letting those folks go on back to where they are legal to live, rather than the United States.

The gentleman isn't very concerned about how it is that we would tax the producers in America to provide nationalized socialized medicine for people who aren't even legal here in the United States. I'm convinced that these are the gentlemen who would support such a policy to provide that health care, and they would also probably hand them citizenship papers into the bargain. Not I, Mr. Speaker. I oppose such ideas. I believe that we have to sustain ourselves as a country; and in order to do that, we have to maintain the principles that made this country great. Among them are free enterprise capitalism. That is a good word, not a bad word. They seem to know that socialism is a bad word, but they don't think progressivism is a bad word. Well, I will tell you that they are linking it together; and the link that they have severed now, that link between the Democratic Socialists of America, dsausa.org's Web site that posted for and provided and maintained the Progressive Caucus Web site, that little link isn't there anymore because they don't want to admit that it's hard to figure out the difference. But on the socialist Web site, it says, We are a political party, but we don't run candidates under our banner of socialism because—I think because the progressives know it has a bad name, so do the socialists know that socialism has a bad name still in America. They say that their legislative arm is the Progressive Caucus. You can go to dsausa.org, do a search for the Progressive Caucus, and you will come up with that link. At last count, I saw 75 names on that list that are active members of the Progressive Caucus that are alleged by the Socialist Web site of being a legislative arm of the socialists here. One over in the Senate, BERNIE SANDERS, self-alleged socialist, who is someplace to the right, according to his contemporary voting record in the Senate, of the President of the United States himself.

And we wonder why America is taking this hard lurch to the left? Why we're looking at socialized medicine? Why we're seeing the automakers nationalized? How it is that the President of the United States can dictate down through our private sector, and we can see this sweeping expansive government into the private sector? Unimagined and unimaginable just a few months ago; but a reality today, Mr. Speaker. And it's a reality that is coming at the American people so fast that they can't sort out the targets to be able to demonstrate where it is that they want to make changes. If they want to object to the nationalization of AIG, well, too late because there were deals made with folks in the room that rolled billions, hundreds of billions in the end into those industries.

So AIG is nationalized, and Citigroup is effectively nationalized, and the large investment institutions that took the TARP money are controlled by the Federal Government. And when they want to buy their way out and they offer a check to the White House so they can give the money back for TARP, the White House says, No, we won't take the check, and you can't buy your way out of this thing. We own you now. We're going to influence you, and we can't let you pay that money back.

Why would they say that unless they wanted these businesses to be nationalized, unless they wanted to control the decisions that were made? It's obvious they have. The TARP money that went to the investment bankers that was invested and some of their holdings, significant holdings, billions of dollars of the holdings, were in the shares of our large automakers, Chrysler and General Motors, for example. So when the secured creditors for the large automakers, Chrysler and General Motors, held out and said, We can make a better deal for our shareholders if you just let this go into bankruptcy, and we'll let them sell off this material or sell the company off, and we'll get cash at, let's just say, 32 cents on the dollar—that's an estimate. I don't know if it's based on anything other than a small news story—32 cents on the dollar as compared to the 10 cents on the dollar that they might have gotten dealing with the White House.

I'm advised—and I believe it to be true—that the car czar, appointed by the President, and the car czar's team in the White House set a limit, which is that secured creditors and the automakers are not going to get more than 10 cents on the dollar at the same time. That appears to be what happened. As the secured creditors were giving up their negotiating position one after another as the White House leveraged them and accused them of being—I have forgotten the exact language, but let's just say greedy capitalists—that wasn't the word, but it was the tone—and sought to intimidate them, as all of this was unfolding, the secured creditors were stepping back one after another after another. Finally it got down to only 5 percent of those holdings were secured creditors. They didn't have any allies anymore. They had to capitulate. They had to take those few pennies on the dollar. Meanwhile, the United Auto Workers, the union, was handed controlling interest. What is this about? Why would anyone think that that is a good idea? Could you cook this up in the board room? Let's just say, could you learn this studying Econ 101 as a freshman in any college? I could have never devised this plan. But this plan unfolds in this fashion and hands over the controlling interest of Chrysler Motors, 55 percent of it, to the United Auto Workers, the union, the workers. What is it that their investment was that they're compensated for by active shares within a company? Well, that would be the health care benefits, the future benefits. It would be the benefits that are—

I would call those contingent liabilities downstream. As the United Auto Workers would get older and retire and they would put pressure on the health care system as those claims came, they thought there was as much as $10 billion in potential claims that could unfold in future years. So they gave that a present value and compensated the union for the present value of future health care liabilities by handing them a controlling interest of Chrysler Motor Company. Then while that is going on, what happens if we pass this socialized medicine that's advocated by the two gentlemen and the gentlelady tonight under the banner of the Progressive Caucus? Wouldn't that lift the burden of the health care costs, the contingent liability off of the hands of the union pension fund? Wouldn't that put that into the hands of taxpayers?

So the shares of controlling interest to be handed over to the union should be at least, in an idea, compensation for future liabilities that would be removed by this socialized medicine policy that's being advocated by the people who say that they're not socialists or socialistic and their program is not socialism. But you go to the Web site, and it says, Progressive Caucus is our legislative arm. What they advocate is what we are for. They spell it out. And they say, they want to nationalize the businesses. They want to do it incrementally. This was written before President Obama figured out how to do this all in a few great big giant moves.

This is a breathtaking change in the United States. The American people did not vote for these things. They did not know. They did not see it coming, and I think that we will see a reaction to this in a different fashion.

Mr. Speaker, as we lay out the backdrop for the economics and health insurance and the automakers—and, by the way, one more thing about the automakers and, that is, the dealerships that have been closed with a stroke of the pen by order of the President's car czar and his car team, his White House pit crew—we can't find a single individual on that team that has ever spent 1 day in the auto dealer's business. I can't find and it was reported to me—and this one I'm not certain of—that there is anybody on there that has been in the automaker's business.

□ 2100

So they haven't made cars or sold cars. But they are calling the shots on all these cars.

By the way, part of the deal is that the President is directing that Chrysler Motors make a nice high-mileage vehicle that suits his direction. I would submit that, other than at press conference time, the President will never ride in one of those. The Speaker of the House will never ride in one of those little electric cars. They are going to ride around in great big, bullet-proof limousines and Suburbans. And they will likely do that the rest of their lives. They won't be driving a tiny little car with a battery in it that goes slow uphill and fast downhill. That reminds me of a train car graffiti I happened to see waiting in a crossing a while back. Someone had written on the train car ''uphill slow, downhill fast, tonnage first, safety last.'' I thought that was quite an interesting little comment, by the way.

So we are here with a Speaker who directs some of these things that she is not going to live under and a President that directs decisions of automakers that he is not going to live under. But they think they know what is best for the rest of us. And they have no faith in the marketplace. They apparently don't have faith in national security either, Mr. Speaker. And this is an issue of grave concern to me and grave concern to everyone who cares about the security of the United States of America.

This country was severely attacked September 11, 2001. And the attacks that took place were against the Pentagon and against the Twin Towers of New York. The plane that crashed in Pennsylvania, there are conflicting opinions on whether it was headed to the United States Capitol or whether it was headed to the White House itself. I don't know that we will ever know which way that it was directed. But we do know that people on the plane took that plane over. And they gave their lives. But they saved a lot of lives while they did that. And they are to be honored and respected.

The intelligence that we have received since that time turned up the effort from the CIA and all 15 members of the intelligence community that have succeeded in foiling a good number of plots since September 11, 2001. And there has not been an attack on the American people, on our soil, that has been effective since that day. I don't think anyone on September 11, 2001, would have expected that we could go this long without an attack inside America. A lot of the credit goes to the intelligence agencies, including the Central Intelligence Agency, including the CIA. The CIA does a job and puts their lives at risk every day around the globe. And yes, they have informants. And sometimes they are working in the seedier side of life. It is the nature of their business. They have foiled plots. They have saved American lives. After the fact when there have been attacks that took place on American embassies, for example, in other places in the world, they have gone in and they have identified the culprits. And we have been able to pick up some of these culprits that have plotted against or attacked Americans to the credit of the CIA and the balance of the intelligence community. That is to their credit.

But, Mr. Speaker, the Speaker of the House accused the CIA of lying to her and other highly placed people within this Congress up in the secured room of this Capitol, not very far from where I stand. And that would have taken place allegedly on the 4th of September, 2002, roughly 1 month after Zubaydah had been waterboarded. The allegation made by the Speaker was that the CIA lied to the United States Congress, misinformed the Congress of the United States of America, to be specific. And Mr. Speaker, this is untenable. This position is utterly untenable, to make such an allegation.

I have with me the draft of the legislation, the draft of Federal law that prohibits lying to Congress. And I would read this, in part, into the RECORD so that the legal language flows with the clarity and the intent. And it is this:

This is title 18, chapter 47, subchapter 1001, 18 U.S.C. 1001. And it says, in part: ''Whoever in any manner knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device, a material fact, whoever makes any materially false, fictitious or fraudulent statement or representation shall be, if the offense involves international or domestic terrorism, imprisoned not more than 8 years.''

Eight years in a Federal penitentiary for lying to Congress specifically about international or domestic terrorism. This statute is in the Code to address specifically the act and the acts that were alleged by the Speaker of the House. And so one can only draw one of two conclusions. And that is either the CIA willfully lied and misrepresented to the United States Congress, to the highest-ranking person in the United States Congress, the Speaker of the House of Representatives. Of course, at the time, she was not Speaker. If the CIA lied, though, to the Speaker, this statute covers such an act. And they would be looking at 8 years in a Federal penitentiary. If the CIA did not lie to the Speaker, and she alleges that they did, then we have an untenable situation, an irreconcilable situation. It is a situation with no middle ground, Mr. Speaker, because it was a public statement. And it was a statement that was made not off the cuff. It wasn't flippant. It was something that had been prepared before it was delivered. And it appeared to be from notes that were in front of the Speaker apparently in a calculated statement that said, and when asked and clarified by the press, ''Are you telling us that the CIA lied to Congress?'' And the answer was, ''Yes, misled the Congress of the United States of America.''

Now such an allegation is a very, very serious charge. It is a charge of a felonious criminal act, misinforming the Congress of the United States. Now, if the allegation is true, an investigation needs to ensue.

I have, along with the gentleman from California, asked for an FBI investigation into this matter. If the allegation is false, then the Speaker has torn asunder the relationship of trust and integrity that has to exist between the intelligence community and the United States Congress. I cannot imagine how anyone from the CIA would be

willing to go into the fourth floor of the United States Capitol, into that secure room where everybody drops off their cell phones and their BlackBerrys and gives up their ability to take notes out of the room, and goes into that room to listen, to maintain that confidentiality that is necessary for the safety of all the American people. I cannot imagine the CIA, or any other member of the intelligence community, being willing to brief the Speaker of the House of Representatives until this matter is resolved.

So if the Speaker didn't accurately remember what she was briefed on September 4, 2002, the easy thing to do—and it would be a very human thing to do, and all of us have sat in on briefings and hearings and we can't remember every detail, especially that many years back. The thing to do is to say, I don't remember clearly. If I have notes that are on file in the secure room, I will go back and revisit them and tell you what I can confirm that would be triggered by my memory and by my notes. One could go through and review the documents that were utilized at the time to verify what was briefed.

But a statement that the CIA lied to the United States Congress, misled the Congress of the United States of America, to say it precisely, to make that statement, one has to have a definitive proof that it happened. It is part of Western Civilization that we presume the other individual is telling the truth and we can't make an allegation that they are not unless we have the evidence to the contrary. But this statement was not qualified. The question was, ''Are you saying that the CIA lied to the United States Congress?'' Answer, ''yes'' by the Speaker. Then, yes, pause, stutter, misled the Congress of the United States of America. A very serious charge addressed specifically under 18 U.S.C. 47 1001, that I have read into the RECORD, Mr. Speaker.

This situation must be resolved. It is untenable. And it can't be reconciled with some compromise in the middle. I want a Speaker of the House that can be trusted with our national security, someone who is supportive of our national defense, our Department of Defense and our military. And during a time of war, our intelligence-gathering community has to have that level of confidence and that level of trust or the American people are at risk. The destiny of America will be changed.

So, Mr. Speaker, with that in mind, I have drafted a resolution. Things being as they are today with some time to allow the Speaker to have an opportunity to address and clear up this matter, the resolution that I have I will read it into the RECORD at this moment. And I will tell you, Mr. Speaker, that it is my intent to formally introduce it as a privileged resolution when we return in the early part of June from the Memorial break.

This resolution reads:

Whereas, as required by article VI of the Constitution, Members take an oath to ''support and defend the Constitution of the United States against all enemies, foreign and domestic;

Whereas, in order to carry out his or her oath, a Member of Congress must have access to various kinds of sensitive and classified information regarding the national security interests of the United States; and

Whereas, it is imperative that Members of Congress develop and maintain a close working relationship with the leadership and members of the United States' intelligence community to ensure that they, as the American people's elected representatives in Congress, have ready access to the kinds of sensitive and classified information often needed by legislators to make decisions about the safety and security of the American people;

Whereas, the free and unimpeded flow of sensitive and classified information between our Nation's intelligence officials and Members of Congress is essential to ensure the dignity and integrity of the work and proceedings of the House of Representatives;

Whereas, it is also important for all Members of Congress to support the work done by the members of our Nation's intelligence community to keep our Nation safe in order to engender the trust and respect of the American people for the work done by these individuals and their respective organizations to protect our Nation from the attacks of our enemies;

Whereas, since its creation in the National Security Act of 1947, the Central Intelligence Agency has been charged with coordinating the Nation's intelligence activities and correlating and evaluating and disseminating intelligence affecting national security;

Whereas, since the inception of the CIA, Members of Congress have relied upon the dedicated Americans that have filled its ranks to provide timely and accurate information about threats to America's safety and the steps being taken to address those threats;

Whereas, in recent weeks, many public officials, including Members of Congress, and members of the public have called for investigations into the use of enhanced interrogation techniques, namely waterboarding, that have been used by the CIA since the attacks of September 11, 2001, to obtain information from detained terrorists for the purpose of thwarting future terrorist attacks against Americans;

Whereas, on April 23, 2009, Speaker NANCY PELOSI stated that she and other key Members of Congress were not told that waterboarding was used as an enhanced interrogation technique after it was first used in the interrogation of terrorist detainee Abu Zubaydah, a high-ranking al Qaeda operative, in August of 2002;

Whereas, contrary to her claims, a report that was prepared by the Office of the Director of National Intelligence and released to Congress on Wednesday, May 6, 2009, indicated that during a September 4, 2002, meeting with intelligence officials, Speaker PELOSI, former Congressman and future CIA director, Porter Goss, and two aids were briefed on ''the particular enhanced interrogation techniques that had been employed'' by intelligence officials during the interrogation of Abu Zubaydah;

Whereas, Abu Zubaydah was waterboarded on August of 2002, the month before Speaker PELOSI received a briefing from intelligence officials on the ''particular enhanced interrogation techniques that had been employed'' during his interrogation;

□ 2115

Whereas, in response to questions about the May 6, 2009, report's indication that Speaker PELOSI was told by intelligence officials about the use of waterboarding as an enhanced interrogation technique during the briefing on September 4, 2002, the Speaker maintained that she had never been told that waterboarding was being used by officials. The briefers, her spokesman stated, only ''described these techniques, said they were legal, but said that waterboarding had not yet been used'';

Whereas, on May 14, 2009, in an attempt to further clarify what she was and was not told during the September 4, 2002, briefing about the waterboarding and other enhanced interrogation techniques used by intelligence officials in their interrogation of Abu Zubaydah in August 2002, Speaker PELOSI stated ''those briefing me in September 2002 gave me inaccurate and incomplete information'';

Whereas, on May 14, 2009, when it was noted by a reporter that she was ''accusing the CIA of lying to you in September of 2002,'' Speaker PELOSI replied, ''Yes. Misleading the Congress of the United States'';

Whereas, on May 15, 2009, in response to Speaker PELOSI's allegation about the CIA lying to her and ''the Congress of the United States,'' CIA director Leon Panetta sent a memo to the employees of the CIA stating, ''It is not our policy or practice to mislead Congress. That is against our laws and our values. As the Agency indicated previously in response to congressional inquiries, our contemporaneous records from September 2002 indicate that CIA officers briefed truthfully on the interrogation of Abu Zubaydah, describing 'the enhanced techniques that had been employed''';

Whereas, title 18, part I, chapter 47, section 1001 of the United States Code provides that, with respect to ''any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate,'' whoever in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, whoever knowingly and willfully falsifies, conceals, or covers

up by any trick, scheme, or device a material fact; makes any materially false, fictitious, or fraudulent statement or representation; if the offense involves international or domestic terrorism, imprisoned not more than 8 years.

Whereas, the relationship between Members of Congress and the intelligence community cannot be jeopardized by a distrust between Congress and the intelligence community resulting from intelligence officials lying to Congress or from Members of Congress leveling charges and allegations against intelligence officials;

Whereas, the Speaker must either produce evidence providing that she was lied to in order to ensure that the ranks of our Nation's intelligence community are purged of those responsible for misleading Congress, or she must apologize to the men and women of the CIA, to the American people, and to the Members of this revered body to lift the cloud of uncertainty that has descended upon the Agency and the intelligence community since these allegations were leveled and allow the dedicated men and women who serve in its ranks to refocus their efforts and energies on keeping America safe;

Whereas, if the Speaker is unable or unwilling to provide evidence to support her allegation that she and Congress have been lied to by the CIA, the American people will be left with no choice but to conclude that this allegation has no basis in fact;

Whereas, if it is determined that the Speaker has indeed leveled baseless allegations against intelligence officials, she will have effectively undermined America's national security and severely damaged the integrity of this House, and she should therefore be held to account for these actions through, among other things, the withholding from her of sensitive or classified information pertaining to the national security interests of the United States;

Therefore be it resolved, that the chairman and ranking member of the House Permanent Select Committee on Intelligence are directed to withhold any and all classified material from the Speaker of the House and her staff unless:

Within 14 days after the date of passage of this resolution she produces evidence of the lies that she alleges were told to her by intelligence officials in September 2002, and

The chairman and ranking member of the House Permanent Select Committee on Intelligence are directed to choose a suitable replacement from within the leadership ranks of the House Democrat Caucus to receive any necessary classified material and briefings in the place of the Speaker if classified material is withheld from her in accordance with this resolution.

Mr. Speaker, this is a very serious, serious situation. It puts our intelligence community in a position where they have to be extraordinarily reluctant to brief the Speaker of the House, with the constitutional office of Speaker of the House, elected by the full body, not a partisan office, a nonpartisan office that's defined in our Constitution, third in line for the Presidency—only Vice President JOE BIDEN is ahead of the Speaker of the House in the line of ascendency to the Presidency, and our national security is at risk in a lot of ways.

One of them can be because at this point, we are having difficulty, and I will make this statement. It's got be hard to recruit for the CIA or any members of the intelligence community today because they're being charged with lying to Congress. It's got to be hard to get anybody to come to this Congress to brief anyone when we have an administration and a Speaker and a network here on this Hill that's trying to find somebody in the former Bush administration that they can indict and prosecute and punish as a way of, I don't know, getting even with the previous administration, I suppose.

I don't understand how this majority and this Congress can't simply just move on and provide national security. I don't understand how the Speaker of the House cannot be alarmed by being briefed about waterboarding in September of 2002, but after the information comes out to the press, then is, let me say, ex post facto alarmed, alarmed after the fact, perhaps because the political pressure comes from the left has been turned up significantly.

Whatever those reasons are, the Speaker of the House cannot be leveling charges unless they are founded, and a statement should never be made by the Speaker of the House that would challenge the integrity of the CIA or any other member of our intelligence gathering community unless the evidence can be laid down on the table at the same time the statement is made. You simply do not call someone a liar in this country unless you have the evidence available to back it up.

And what this resolution does, it says Madam Speaker, back it up or back up, one or the other. We cannot have this situation. I don't know anybody in this Congress that will receive a briefing that fill us in on the real facts. The CIA has got to be reluctant, and they will tell us the truth, but we're going to have ask a whole lot of the right questions to get this out at this point.

This Congress has to make appropriations to the entire intelligence community and to our Department of Defense. If a hostile attitude toward them exists, there exists also the incentive for other Members of the Congress and staff members of the committee and staff members of other Members of Congress, as well as the Speaker's staff themselves, to devise ways or summarily reduce the resources going to our intelligence community or establish policy changes that make their jobs more difficult. The statement itself calls into question all activities of this Congress that would affect the activities of our entire defense network in America, Department of Defense as well as our intelligence communities.

This is a very serious situation. It must be resolved. It cannot go on without having it answered. This resolution simply says that there will not be security clearance for the Speaker of the House as long as she holds the position that the CIA can't be trusted. She would have no reason to sit down and listen to them if she believes they are liars. If she thinks they are, she needs to produce the evidence.

I think they are not. I think they have told the truth in these briefings, and the other people in the briefings say so, and yes, they deal in misinformation all the time. That is the nature of the CIA. But once it's down in the fourth floor, in that secured room, we've got to be able to look them in the eye and trust they are delivering to us the unvarnished information that's necessary for us to provide the resources so that they can do their job to protect all Americans, Mr. Speaker.

And so as this Memorial Day break will ensue at the conclusion of my remarks this evening, as I understand it, I want to remind you and the people that are listening that we have this period of time now for the balance of the month of May, and we come back in after the Memorial Day weekend. When we do that, it is my intention to introduce this resolution that I have read into the RECORD and ask this Congress to withhold the security clearance of the Speaker of the House until she clears up this mess that is created by her allegations and to produce the base for the charges or withdraw them and apologize to the CIA, to this Congress, and to the American people and to admit what's really going on here.

That is the core of my reason for being here tonight, Mr. Speaker. I will be back on this floor early in June to address this subject matter again.

I ask you, Mr. Speaker, to keep an eye on this situation. I ask the American people to keep an eye on it, and I will also be doing the same thing, looking for resolution to this matter the sooner the better. The American people will be safer if it's sooner rather than later.

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. FILNER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BILBRAY, for 5 minutes, today.
Mr. PAULSEN, for 5 minutes, today.
Mr. MCHENRY, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 614. An act to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP''), to the Committee on Financial Services; in addition to the Committee on House Administration for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, May 25, 2009, at 3 p.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 133, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 11, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kay King	4/3	4/5	Egypt		634		[3]				634
	4/5	4/8	Ethiopia		2,233		[3]				2,233
	4/8	4/11	Cyprus		818		[3]				818
Total											3,685.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY KING, May 7, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CATLIN O'NEILL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 11, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Catlin O'Neill	4/6	4/8	Israel		791.00		[3]				791.00
	4/8	4/10	Egypt		534.00		[3]				534.00
	4/10	4/11	Scotland		279.00		[3]				279.00
Committee total											1,604.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CATLIN O'NEILL, May 8, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, AUDREY NICOLEAU, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 19, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Audrey Nicoleau	4/13	4/17	Belgium		1,836.00		7,438.47				9,274.47
	4/17	4/19	France		846.83		151.80				998.63
Committee total											10,273.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUDREY NICOLEAU, Apr. 30, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO STRASBOURG, FRANCE, VILNIUS, LITHUANIA, KIEV, UKRAINE, TBILISI, GEORGIA, AND BRUSSELS, BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner, Chairman	4–3	4–4	France		539.00		7,147.11				10,020.28
	4–4	4–6	Lithuania		693.81						
	4–6	4–7	Ukraine		494.03						
	4–7	4–8	Georgia		652.00						
	4–8	4–9	Belgium		494.33						
Hon. Jo Ann Emerson	4–3	4–4	France		539.00		7,147.11				10,020.28
	4–4	4–6	Lithuania		693.81						
	4–6	4–7	Ukraine		494.03						
	4–7	4–8	Georgia		652.00						
	4–8	4–9	Belgium		494.33						
Melissa Adamson	4–3	4–4	France		539.00		7,147.11				10,020.28

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO STRASBOURG, FRANCE, VILNIUS, LITHUANIA, KIEV, UKRAINE, TBILISI, GEORGIA, AND BRUSSELS, BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4–4	4–6	Lithuania		693.81						
	4–6	4–7	Ukraine		494.03						
	4–7	4–8	Georgia		652.00						
	4–8	4–9	Belgium		494.33						
Committee total					8,619.51		21,441.33				30,060.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN TANNER, Chairman, May 11, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Chairman, May 14, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Iodosulfuron-methyl-sodium; Pesticide Tolerances [EPA-HQ-OPP-2009-0275; FRL-8412-6] received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1929. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's report on the Secretary of the Treasury's use of TARP funds and the impact of these purchases on financial markets and financial institutions to have effects on credit access for small businesses and families, pursuant to Public Law 110-343, section 125(b)(1); to the Committee on Financial Services.

1930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Products Rule [EPA-R05-OAR-2007-1134; FRL-8908-1] received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2008-0786; FRL-8907-3] received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2008-0755; FRL-8905-4] (RIN: 2060-AP56) received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for Monitoring Data Used in Designations for the 2008 Ozone NAAQS [EPA-HQ-OAR-2005-0159; FRL-8907-1] received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1934. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the DTV Delay Act [MB Docket No.: 09-17] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1935. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Oolitic and Worthington,1 Indiana [MB Docket No.: 07-125 RM-11375 RM-11410] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1936. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kihei, Hawaii) [MB Docket No.: 08-217 RM-11434] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1937. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Cuba, Illinois) [MB Docket No.: 07-175 RM-11380] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1938. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Marquez, Texas) [MB Docket No.: 08-196 RM-11487] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1939. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Cadillac, Michigan) [MB Docket No.: 08-252 RM-11509] received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1940. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to the United Kingdom (Transmittal No. DDTC 001-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1941. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of defense articles provided by the United States, pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1942. A letter from the Acting Assistant Secretary Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, Transmittal Number: DDTC 019-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

1943. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1944. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting notification that effective April 26, 2009, 15% Danger Pay Allowance for FBI personnel serving in Mexico has been established, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

1945. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Secretary's determination that five countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea, Syria,and Venezuela, pursuant to 22 U.S.C. 2781, section 40A; to the Committee on Foreign Affairs.

1946. A letter from the Assistant Secretary Legislative Affairs, Department of State,

transmitting the Department's 10th annual report on all programs or projects of the International Atomic Energy Agency (IAEA) in each country described in Section 307(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1947. A letter from the Inspector General, Office of the Inspector General for the U.S. House of Representatives, transmitting the Office's final report on the Web Mail Business Continuity / Disaster Recovery project; to the Committee on House Administration.

1948. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on activities regarding civil rights era homicides, as required by the Emmett Till Unsolved Civil Rights Crimes Act of 2007; to the Committee on the Judiciary.

1949. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled the ''Federal Courts Jurisdiction and Venue Clarification Act of 2009''; to the Committee on the Judiciary.

1950. A letter from the Board Members, Railroad Retirement Board, transmitting Congressional Justification of Budget Estimates for Fiscal Year 2010, including the Performance Budget; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

1951. A letter from the Chairman and Vice Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's report on the public hearing of March 4, 2009 entitled, ''China's Military and Security Activities Abroad'', pursuant to Public Law 109-108, section 635(a); jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

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. OBERSTAR: Committee on Transportation and Infrastructure. Supplemental report on H.R. 915. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 111–119 Pt. 2). Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. PERLMUTTER: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes. (Rept. 111–127). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1736. A bill to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; with an amendment (Rept. 111–128). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WILSON of South Carolina (for himself, Mr. PAUL, Mr. SESSIONS, Mr. HARPER, Mrs. BLACKBURN, Mr. LAMBORN, and Mr. SAM JOHNSON of Texas):

H.R. 2537. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER (for himself and Mr. BURGESS):

H.R. 2538. A bill to amend the Public Health Service Act to provide for the establishment and maintenance of an undiagnosed diseases registry; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 2539. A bill to secure unrestricted reliable energy for American consumption and transmission; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, 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. LAMBORN (for himself, Mr. HASTINGS of Washington, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mrs. LUMMIS, and Mr. COFFMAN of Colorado):

H.R. 2540. A bill to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; to the Committee on Natural Resources.

By Mr. DENT (for himself, Mr. BILBRAY, and Mr. GERLACH):

H.R. 2541. A bill to provide funding for multi-jurisdictional anti-gang task forces; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself and Mr. TIBERI):

H.R. 2542. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. BRADY of Texas, Mr. BLUMENAUER, Mr. REICHERT, Mr. DICKS, Mr. JONES, Mr. WU, Mr. HERGER, and Mr. SMITH of Washington):

H.R. 2543. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 2544. A bill to require the intelligence community to use only methods of interrogation authorized by the United States Army Field Manual on Human Intelligence Collector Operations; to the Committee on Intelligence (Permanent Select).

By Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. KING of Iowa, Mr. CAMPBELL, and Mr. GOHMERT):

H.R. 2545. A bill to provide a civil penalty for certain misrepresentations made to Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BOCCIERI:

H.R. 2546. A bill to ensure that the right of an individual to display the Service flag on residential property not be abridged; to the Committee on Financial Services.

By Mr. MORAN of Kansas (for himself and Mr. RODRIGUEZ):

H.R. 2547. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Ms. PINGREE of Maine (for herself, Ms. BORDALLO, Mrs. CAPPS, Mr. DELAHUNT, Mr. FARR, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. THOMPSON of California, and Mr. WITTMAN):

H.R. 2548. A bill to amend the Coastal Zone Management Act of 1972 to require establishment of a Working Waterfront Grant Program, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO (for himself, Mr. MAFFEI, Mr. KANJORSKI, Mr. FRANK of Massachusetts, Mr. CLEAVER, Mr. BACA, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. CONNOLLY of Virginia):

H.R. 2549. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; to the Committee on Financial Services.

By Mr. DRIEHAUS (for himself, Mr. AL GREEN of Texas, Mr. FRANK of Massachusetts, Mr. BACA, Mr. CLEAVER, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. CONNOLLY of Virginia):

H.R. 2550. A bill to amend the Securities Exchange Act of 1934 to require the registration of municipal financial advisers; to the Committee on Financial Services.

By Mr. FOSTER (for himself, Mr. KANJORSKI, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. CLEAVER, Mr. BACA, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. CONNOLLY of Virginia):

H.R. 2551. A bill to amend the Federal Reserve Act to provide for lending authority for certain securities purchases, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2552. A bill to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of medical waste; to the Committee on Energy and Commerce.

By Mr. TIAHRT (for himself, Mr. MOORE of Kansas, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. MORAN of Kansas, Ms. BORDALLO, and Mr. LOEBSACK):

H.R. 2553. A bill to authorize the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in the testing of nuclear weapons or under other circumstances; to the Committee on Armed Services.

By Mr. SCOTT of Georgia (for himself, Mr. NEUGEBAUER, Mr. AKIN, Mr. MEEKS of New York, Mr. WILSON of Ohio, Mr. DAVIS of Kentucky, Mr. KIND, Ms. MOORE of Wisconsin, Mrs. MYRICK, Mr. HOLDEN, Mr. JONES, Ms. FOXX, Mr. DONNELLY of Indiana, Mr. POMEROY, Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, Mr. ROSS, Mr. CLAY, Mr. CHILDERS, Ms. KOSMAS, Mr. MILLER of North Carolina, Mr. MORAN of Kansas, Mr. MCHENRY, Mr. LEE of New York, Mr. MOORE of Kansas, Mr. PUTNAM, Mr. MELANCON, Ms. JENKINS, Mr. GERLACH, Mr. KANJORSKI, Mr. CAPUANO, Mr. ADLER of New Jersey, Mr. GARRETT of New Jersey, and Mr. BACHUS):

H.R. 2554. A bill to reform the National Association of Registered Agents and Brokers,

and for other purposes; to the Committee on Financial Services.

By Mr. KLEIN of Florida (for himself, Mr. FRANK of Massachusetts, Mr. GRAYSON, Ms. KOSMAS, Mr. LARSON of Connecticut, Mr. CLYBURN, Mr. CROWLEY, Mrs. TAUSCHER, Mr. HARE, Mr. MEEK of Florida, Mr. WELCH, Ms. CASTOR of Florida, Mr. WEXLER, Mr. DELAHUNT, Mr. KENNEDY, Ms. GINNY BROWN-WAITE of Florida, Mr. ABERCROMBIE, Mr. POSEY, Ms. ROS-LEHTINEN, Mr. BUCHANAN, Mr. GRIFFITH, Mr. MELANCON, Mr. SCHIFF, Mr. WALZ, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. BRALEY of Iowa, Mr. BOYD, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, Mr. BERMAN, Mr. CRENSHAW, Mr. INSLEE, Mr. KAGEN, Mr. MCNERNEY, Mr. PERLMUTTER, Ms. CORRINE BROWN of Florida, Ms. HARMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. YARMUTH, Mr. ROONEY, and Mr. DONNELLY of Indiana):

H.R. 2555. A bill to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events; to the Committee on Financial Services.

By Mr. BOEHNER (for himself, Mr. ISSA, and Mr. MCKEON):

H.R. 2556. A bill to provide low-income parents residing in the District of Columbia with expanded opportunities for enrolling their children in high quality schools in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. SCHRADER, and Mr. WALDEN):

H.R. 2557. A bill to name the Department of Veterans Affairs medical center in Portland, Oregon, as the ''Barry L. Bell Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. FATTAH (for himself and Mr. CAMP):

H.R. 2558. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Ways and Means.

By Mr. HARE (for himself, Ms. BERKLEY, Mr. FILNER, Mr. HALL of New York, Mrs. HALVORSON, Mr. NYE, Mr. TEAGUE, and Mr. ROONEY):

H.R. 2559. A bill to direct the Secretary of Veterans Affairs to carry out a national media campaign directed at homeless veterans and veterans at risk for becoming homeless; to the Committee on Veterans' Affairs.

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H.R. 2560. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mrs. BIGGERT, Mr. ALTMIRE, and Mr. HUNTER):

H.R. 2561. A bill to amend section 484B of the Higher Education Act of 1965 to forgive certain loans for servicemembers who withdraw from an institution of higher education as a result of service in the uniformed services, and for other purposes; to the Committee on Education and Labor.

By Mr. KIND (for himself, Mr. KAGEN, Mr. SAM JOHNSON of Texas, and Mr. BOUSTANY):

H.R. 2562. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer credit for one year for members of the Armed Services of the United States serving outside the United States in 2009; to the Committee on Ways and Means.

By Mr. SHULER (for himself, Mr. MINNICK, Mr. HELLER, and Mr. MCHENRY):

H.R. 2563. A bill to amend the Truth in Lending Act to establish additional protections for consumers with regard to payday loans, and for other purposes; to the Committee on Financial Services.

By Mr. GRAYSON (for himself, Mr. LEWIS of Georgia, and Mr. HINCHEY):

H.R. 2564. A bill to amend the Fair Labor Standards Act to require that employers provide a minimum of 1 week paid annual leave to employees; to the Committee on Education and Labor.

By Mr. KIND:

H.R. 2565. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. LIPINSKI (for himself and Mr. INGLIS):

H.R. 2566. A bill to amend the Public Health Service Act to provide for the public disclosure of charges for certain hospital and ambulatory surgical center services and drugs; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. PLATTS, Ms. MCCOLLUM, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. TONKO, Mr. WU, Mr. YARMUTH, Mr. CLAY, Ms. LEE of California, Mr. HINCHEY, Mr. FATTAH, Mr. WAXMAN, Mr. ELLSWORTH, Mr. WELCH, Mr. CAPUANO, Mr. FARR, Mr. SERRANO, Mr. BRADY of Pennsylvania, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. MARKEY of Massachusetts, Mrs. MALONEY, Mr. HOLT, Ms. DELAURO, Mr. HODES, Mr. CUMMINGS, Mr. HIGGINS, Mr. KIND, Mr. KUCINICH, Mr. PRICE of North Carolina, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Mr. LYNCH, Mr. DRIEHAUS, and Mr. FRANK of Massachusetts):

H.R. 2567. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. DOGGETT, Mr. GENE GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Ms. BORDALLO, Mr. FILNER, and Ms. ROS-LEHTINEN):

H.R. 2568. A bill to amend the Small Business Act to ensure fairness and transparency in contracting with small business concerns; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself, Mr. GORDON of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, and Mr. CARNAHAN):

H.R. 2569. A bill to reauthorize surface transportation research, development, and technology transfer activities, and for other purposes; to the Committee on Science and Technology.

By Ms. EDWARDS of Maryland (for herself, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. PINGREE of Maine, Mr. CARSON of Indiana, Ms. WATERS, Mr. HARE, Ms. CLARKE, Ms. SUTTON, Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Ms. WOOLSEY, Ms. LEE of California, Ms. WATSON, Ms. MCCOLLUM, Ms. DELAURO, Mr. CONNOLLY of Virginia, Mr. MORAN of Virginia, Mr. ELLISON, and Mr. WELCH):

H.R. 2570. A bill to amend the Fair Labor Standards Act of 1938 to establish a base minimum wage for tipped employees; to the Committee on Education and Labor.

By Mr. MOORE of Kansas (for himself, Mr. GARRETT of New Jersey, Mr. KANJORSKI, Ms. GINNY BROWN-WAITE of Florida, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. MCMAHON, Mr. NEUGEBAUER, Ms. BEAN, Mr. GARY G. MILLER of California, Mr. CROWLEY, Mr. KING of New York, Mr. HINOJOSA, Mrs. CAPITO, Mrs. MALONEY, Mrs. BACHMANN, Mr. ISRAEL, Mr. YOUNG of Florida, Mr. SHERMAN, Mr. MCHENRY, Mr. PUTNAM, and Mr. CAMPBELL):

H.R. 2571. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Financial Services, 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. JACKSON-LEE of Texas (for herself and Mr. MORAN of Virginia):

H.R. 2572. A bill to strengthen the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE:

H.R. 2573. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ADLER of New Jersey (for himself and Mr. PASCRELL):

H.R. 2574. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. GEORGE MILLER of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PLATTS, Mr. SESTAK, and Mr. AL GREEN of Texas):

H.R. 2575. A bill to provide parity under group health plans and group health insurance coverage in the provision of benefits for prosthetic devices and orthotics devices, components and benefits for other medical and surgical services; to the Committee on Education and Labor.

By Mr. BAIRD:

H.R. 2576. A bill to restore Federal recognition to the Chinook Nation, and for other purposes; to the Committee on Natural Resources, 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. BERKLEY:

H.R. 2577. A bill to require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Ms. BERKLEY (for herself, Mr. HELLER, Ms. KILPATRICK of Michigan, Mr. FORBES, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 2578. A bill to amend title XVIII of the Social Security Act to provide an increased payment for chest radiography (x-ray) services that use Computer Aided Detection technology for the purpose of early detection of lung cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself and Mr. EHLERS):

H.R. 2579. A bill to authorize the Secretary of Education to award grants to local educational agencies to improve college access; to the Committee on Education and Labor.

By Mr. BLUMENAUER:

H.R. 2580. A bill to amend title XVIII of the Social Security Act to provide for the establishment of shared decision making standards and requirements and to establish a pilot program for the implementation of shared decision making under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. HIRONO, Mr. AL GREEN of Texas, and Mr. SABLAN):

H.R. 2581. A bill to amend the Public Health Service Act to provide for a health survey regarding Native Hawaiians and other Pacific Islanders; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. SERRANO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 2582. A bill to extend the supplemental security income program to Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, and for other purposes; to the Committee on Ways and Means.

By Mr. BOSWELL (for himself, Mr. LATHAM, Mr. BRALEY of Iowa, Mrs. CAPPS, and Mr. LOEBSACK):

H.R. 2583. A bill to direct the Secretary of Veterans Affairs to improve health care for women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. JONES, Mr. SPRATT, and Mr. SHERMAN):

H.R. 2584. A bill to amend title 35, United States Code, to limit the patentability of tax planning methods; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself and Mr. FILNER):

H.R. 2585. A bill to delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay; to the Committee on Armed Services.

By Mr. BROUN of Georgia (for himself, Mr. PETERSON, Mr. WALZ, Mr. CANTOR, Mr. BLUNT, Mr. BOREN, Mr. CARTER, Mr. CARNEY, Mr. PRICE of Georgia, Mr. MEEK of Florida, Mr. GINGREY of Georgia, Mr. DAVIS of Tennessee, Mr. AKIN, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. POE of Texas, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. ISSA, Mr. KING of Iowa, Mr. LUETKEMEYER, Mr. POSEY, Mrs. LUMMIS, Mr. FORBES, Mr. OLSON, Mr. MCHENRY, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. WESTMORELAND, Mr. JORDAN of Ohio, Mr. DEAL of Georgia, Mr. WITTMAN, Mr. YOUNG of Alaska, Mr. KINGSTON, Mr. MILLER of Florida, Mr. MARCHANT, Mr. HELLER, Mr. ROSKAM, Mr. LINDER, Mr. MCCOTTER, Mr. TIBERI, Mr. NUNES, Mr. HUNTER, Mr. SHADEGG, and Mr. SAM JOHNSON of Texas):

H.R. 2586. A bill to prohibit the Secretary of Veterans Affairs from authorizing honor guards to participate in funerals of veterans interred in national cemeteries unless the honor guards may offer veterans' families the option of having the honor guard perform a 13-fold flag recitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPITO (for herself and Mr. LEE of New York):

H.R. 2587. A bill to limit the reinvestment by States and localities of profits under the Neighborhood Stabilization Program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. CARDOZA (for himself and Mr. COSTA):

H.R. 2588. A bill to prevent foreclosure of home mortgages and increase the availability of affordable new mortgages and affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. CLEAVER (for himself, Mr. HIMES, Mr. FRANK of Massachusetts, Mr. BACA, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. CONNOLLY of Virginia):

H.R. 2589. A bill to establish the Office of Public Finance in the Department of the Treasury to make available Federal reinsurance for insurers of tax-exempt municipal bonds; to the Committee on Financial Services, 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. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, and Mr. KIRK):

H.R. 2590. A bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ARCURI, Mr. BROWN of South Carolina, Mr. FILNER, Mr. ROONEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. CRENSHAW):

H.R. 2591. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Ms. NORTON, Mr. GRAVES, Mr. CAO, and Mr. GUTHRIE):

H.R. 2592. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EDWARDS of Texas (for himself, Mr. MCINTYRE, and Mr. TERRY):

H.R. 2593. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a discretionary grant program for school construction for local educational agencies affected by base closures and realignments, and for other purposes; to the Committee on Education and Labor, 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. GARRETT of New Jersey (for himself, Mr. PASCRELL, Mr. GOHMERT, Mr. BARTLETT, Mr. ANDREWS, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. PAYNE, Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. PERLMUTTER, Mr. ISSA, Mr. RYAN of Wisconsin, Mr. POSEY, Mrs. LUMMIS, Mr. OLSON, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. COLE, Mr. FLEMING, Mr. CHAFFETZ, Mr. BROUN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. LOBIONDO, Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Mr. COURTNEY, Ms. FALLIN, Mr. WOLF, Mr. SCALISE, Mr. BILBRAY, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. LANCE, Ms. BORDALLO, Mr. HODES, Mr. ROONEY, Mr. FRELINGHUYSEN, Mr. SOUDER, and Mr. MANZULLO):

H.R. 2594. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries; to the Committee on Veterans' Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mrs. BONO MACK, Ms. JACKSON-LEE of Texas, and Ms. ESHOO):

H.R. 2595. A bill to restrict certain exports of electronic waste; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2596. A bill to authorize the Secretary of Health and Human Services to carry out a demonstration program to test the feasibility of using the Nation's elementary and secondary schools as influenza vaccination centers; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Ms. SHEA-PORTER, Mr. LOEBSACK, Mr. COURTNEY, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. CUMMINGS):

H.R. 2597. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of school-wide positive behavior supports; to the Committee on Education and Labor.

By Mr. HEINRICH (for himself, Mr. SESTAK, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Mr. MASSA, Mr. ALTMIRE, Mr. MCGOVERN, Mr. SPRATT, Mr. AL GREEN of Texas, Mr. CONNOLLY of Virginia, Mr. REYES, Mr. HINCHEY, Ms. BORDALLO, Mr. LUJAN, Mr. TEAGUE, Ms. KOSMAS, Mr. HARE, Mr. ORTIZ, Mr. HONDA, Mr. CONAWAY, and Mr. FRANKS of Arizona):

H.R. 2598. A bill to grant a congressional gold medal to American military personnel who fought in defense of Bataan/Corregidor/Luzon between December 7, 1941 and May 6, 1942; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, and Mr. POMEROY):

H.R. 2599. A bill to provide for the establishment of the Rural Health Quality Advisory Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HIMES (for himself, Mr. WOLF, Mr. NYE, Mr. CONNOLLY of Virginia, Mr. MCGOVERN, Mr. SARBANES, Mr. JOHNSON of Georgia, Ms. DELAURO, Mr. LANCE, and Ms. BEAN):

H.R. 2600. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. ADLER of New Jersey, Mr. ALTMIRE, Mr. ANDREWS, Mr. BISHOP of New York, Mr. GALLEGLY, Mr. KILDEE, Mrs. LOWEY, Mr. MASSA, Mr. MCGOVERN, Mr. NYE, Mr. RODRIGUEZ, and Ms. SHEA-PORTER):

H.R. 2601. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 2602. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Ka'u Coast on the island of Hawaii as a unit of the National Park System; to the Committee on Natural Resources.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 2603. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the northern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. HODES (for himself and Mrs. LUMMIS):

H.R. 2604. A bill to amend the Internal Revenue Code of 1986 to make permanent the additional standard deduction for real property taxes for nonitemizers; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself and Mr. LAMBORN):

H.R. 2605. A bill to amend the Internal Revenue Code of 1986 to allow individuals with children attending an elementary or secondary school a deduction for each child attending a public school equal to 25 percent of the State's average per pupil public education spending and, for each child attending a private or home school, a deduction equal to 100 percent of such average; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2606. A bill to amend the Internal Revenue Code of 1986 to expand and extend the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. GRAVES, Mr. SESSIONS, Mr. MCCAUL, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. PAUL, Mr. PLATTS, Mr. LAMBORN, Mr. HELLER, Mr. CULBERSON, Mrs. BIGGERT, Mr. SIMPSON, Mrs. BACHMANN, and Mr. MARCHANT):

H.R. 2607. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and Labor.

By Mr. JORDAN of Ohio (for himself, Mr. BOREN, Mr. BARTLETT, Mr. ALEXANDER, Mr. BROUN of Georgia, Mr. CANTOR, Mr. CHAFFETZ, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. HERGER, Mr. JONES, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LUETKEMEYER, Mr. MARCHANT, Mr. MCHENRY, Mr. MCINTYRE, Mr. NEUGEBAUER, Mr. ROGERS of Kentucky, Mr. SCALISE, Mr. SMITH of Texas, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BOOZMAN, and Mr. PENCE):

H.R. 2608. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI (for himself, Mrs. BIGGERT, Mr. MOORE of Kansas, Mr. CAPUANO, Ms. BEAN, Mr. ROYCE, and Mr. SCOTT of Georgia):

H.R. 2609. A bill to establish an Office of Insurance Information in the Department of the Treasury; to the Committee on Financial Services.

By Mr. KANJORSKI:

H.R. 2610. A bill to amend section 1886 of the Social Security Act to continue sole community hospital treatment for certain hospitals; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mrs. LOWEY, and Mr. ISRAEL):

H.R. 2611. A bill to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. KING of New York (for himself and Mr. BISHOP of New York):

H.R. 2612. A bill to direct the Attorney General to provide grants and access to information and resources for the implementation of the Sex Offender Registration Tips and Crime Victims Center Programs; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. ACKERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. CASTLE, Mr. MCHUGH, Mr. LOBIONDO, Mr. LATOURETTE, and Mr. WOLF):

H.R. 2613. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. FILNER, Mr. BOOZMAN, Mr. TEAGUE, and Mr. PERRIELLO):

H.R. 2614. A bill to amend title 38, United States Code, to reauthorize the Veterans' Advisory Committee on Education; to the Committee on Veterans' Affairs.

By Mr. LARSON of Connecticut (for himself and Mr. HELLER):

H.R. 2615. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy efficient commercial building roofs; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. FILNER, Ms. LEE of California, Mr. STARK, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. WEXLER, Mrs. LOWEY, and Mr. MCDERMOTT):

H.R. 2616. A bill to authorize the Attorney General to award grants to eligible entities to prevent or alleviate community violence by providing education, mentoring, and counseling services to children, adolescents, teachers, families, and community leaders on the principles and practice of nonviolence; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. KENNEDY, Mr. BURTON of Indiana, and Mr. ACKERMAN):

H.R. 2617. A bill to amend the Federal Food, Drug, and Cosmetic Act to reduce human exposure to mercury through vaccines; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. SMITH of New Jersey):

H.R. 2618. A bill to improve vaccine safety research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARCHANT:

H.R. 2619. A bill to amend the Internal Revenue Code of 1986 to temporarily expand the credit for first-time homebuyers to all homebuyers and to allow individuals a temporary refundable credit against income tax for the costs of refinancing acquisition indebtedness secured by their principal residence; to the Committee on Ways and Means.

By Ms. MATSUI:

H.R. 2620. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers; to the Committee on Energy and Commerce.

By Mr. MCCARTHY of California (for himself and Mr. MCKEON):

H.R. 2621. A bill to amend title 10, United States Code, to use a time requirement for determining eligibility for the reimbursement of certain travel expenses; to the Committee on Armed Services.

By Mr. MCCARTHY of California:

H.R. 2622. A bill to amend the Securities Exchange Act of 1934 to establish rules and procedures for the delegation of compliance and inspections authority to the operating divisions of the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. MCCARTHY of California:

H.R. 2623. A bill to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York (for herself and Mr. TERRY):

H.R. 2624. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself and Ms. ROS-LEHTINEN):

H.R. 2625. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Mr. HERGER):

H.R. 2626. A bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 2627. A bill to reauthorize the National Windstorm Impact Reduction Program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself and Mr. TIBERI):

H.R. 2628. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2629. A bill to protect the American people's ability to make their own health care decisions by ensuring the Federal Government shall not force any American to purchase health insurance; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2630. A bill to protect the privacy of patients and physicians; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2631. A bill to reduce the price of gasoline by allowing for offshore drilling, eliminating Federal obstacles to constructing refineries and providing incentives for investment in refineries, suspending Federal fuel taxes when gasoline prices reach a benchmark amount, and promoting free trade; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Ms. ROS-LEHTINEN, Mr. SAM JOHNSON of Texas, Mr. CONYERS, Ms. WATSON, and Mr. KING of New York):

H.R. 2632. A bill to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mrs. MILLER of Michigan, and Mr. HOEKSTRA):

H.R. 2633. A bill to amend the Emergency Economic Stabilization Act of 2008 to prohibit automobile manufacturers receiving assistance under the Troubled Asset Relief Program from opening a new foreign subsidiary or expanding their current foreign subsidiaries; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. MILLER of Michigan, Mr. HOEKSTRA, and Mr. MCCOTTER):

H.R. 2634. A bill to amend the Emergency Economic Stabilization Act of 2008 to prohibit automobile manufacturers receiving assistance under the Troubled Asset Relief Program from opening a new foreign subsidiary or expanding their current foreign subsidiaries; to the Committee on Financial Services.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. GINNY BROWN-WAITE of Florida, Mr. NEAL of Massachusetts, Ms. SCHWARTZ, Mrs. CAPPS, and Mrs. DAHLKEMPER):

H.R. 2635. A bill to amend title XXVII of the Public Health Service Act to prohibit gender rating in the group and individual markets for health insurance coverage, 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. LORETTA SANCHEZ of California (for herself and Ms. TSONGAS):

H.R. 2636. A bill to amend title 10, United States Code, to authorize the establishment of a nonprofit corporation to support the athletic program of the Air Force Academy; to the Committee on Armed Services.

By Mr. SENSENBRENNER:

H.R. 2637. A bill to amend the Internal Revenue Code of 1986 to increase the age at which distributions from qualified retirement plans are required to begin and to extend the waiver of required minimum distribution rules for certain retirement plans and accounts through 2010; to the Committee on Ways and Means.

By Mr. SHULER:

H.R. 2638. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, 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 Washington:

H.R. 2639. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Affairs.

By Ms. SUTTON (for herself, Mr. DINGELL, Mr. BARTON of Texas, Mr. UPTON, Mr. INSLEE, Mr. STUPAK, Mr. BRALEY of Iowa, Mrs. MILLER of Michigan, Mrs. CAPPS, Mr. BLUNT, Mr. DOYLE, Mr. TERRY, Mr. WELCH, Mr. WHITFIELD, Mrs. CHRISTENSEN, Mr. DONNELLY of Indiana, Mrs. EMERSON, Mr. ARCURI, Mrs. BIGGERT, Mr. WILSON of Ohio, Mr. CASTLE, Mr. SARBANES, Mr. CAMP, Ms. BALDWIN, Mr. MCCOTTER, Mr. CARNAHAN, Mr. YARMUTH, Mr. COURTNEY, Mr. BLUMENAUER, Mr. HALL of New York, Mr. MANZULLO, Ms. KILPATRICK of Michigan, Mr. SCHAUER, Ms. FUDGE, Mr. HARE, Mr. SHULER, Mr. CONNOLLY of Virginia, Mr. MAFFEI, Ms. MOORE of Wisconsin, Mr. LEVIN, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. LOEBSACK, Ms. KOSMAS, Mr. WALDEN, Mr. HILL, Mr. RYAN of Ohio, Mr. PETERS, Mr. KILDEE, Mr. LATOURETTE, Ms. DEGETTE, Mr. BOCCIERI, and Ms. KAPTUR):

H.R. 2640. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. CHILDERS, Mr. BRADY of Pennsylvania, and Mr. MATHESON):

H.R. 2641. A bill to amend section 1862 of the Social Security Act with respect to the application of Medicare secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under such agreements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI:

H.R. 2642. A bill to direct the Secretary of Veterans Affairs to assist in the identification of unclaimed and abandoned human remains to determine if any such remains are eligible for burial in a national cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELCH (for himself and Mr. HODES):

H.R. 2643. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Natural Resources.

By Mr. BROUN of Georgia:

H.J. Res. 54. A joint resolution disapproving the action of the District of Columbia Council in approving the Jury and Marriage Amendment Act of 2009; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts:

H.J. Res. 55. A joint resolution expressing the disfavor of the Congress regarding the proposed agreement for cooperation; to the Committee on Foreign Affairs.

By Mr. ARCURI:

H. Con. Res. 133. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to. considered and agreed to.

By Mr. DAVIS of Illinois:

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress regarding the need for further study of the neurological disorder dystonia; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. BRADY of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. CAPUANO, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. MEEKS of New York, and Mr. RANGEL):

H. Con. Res. 135. Concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes; to the Committee on House Administration.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. ROHRABACHER, Mr. ISSA, Mr. MCCLINTOCK, Mr. CANTOR, Mr. ROYCE, Ms.

JACKSON-LEE of Texas, Mr. BILIRAKIS, Ms. ZOE LOFGREN of California, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. MCGOVERN, Ms. RICHARDSON, Mr. DREIER, Mr. JOHNSON of Georgia, Mr. HONDA, Ms. HIRONO, Mr. POMEROY, and Ms. VELÁZQUEZ):

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day; to the Committee on Transportation and Infrastructure.

By Mr. COLE (for himself, Mr. SULLIVAN, Mr. BOREN, Mr. LUCAS, and Ms. FALLIN):

H. Res. 469. A resolution honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of Utah:

H. Res. 470. A resolution raising a question of the privileges of the House; to the Committee on Rules.

By Mr. KRATOVIL (for himself, Mr. BRADY of Pennsylvania, Mrs. EMERSON, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HALL of New York, Mr. MCINTYRE, Mr. MCMAHON, Mr. PASCRELL, Mr. PIERLUISI, Mr. ROONEY, Mr. SCHIFF, Ms. SHEA-PORTER, Mrs. TAUSCHER, Mr. THORNBERRY, Mr. JONES, Mr. DONNELLY of Indiana, Mr. HILL, Mr. CHILDERS, Mr. BOREN, Ms. BORDALLO, Mr. MASSA, Mr. MICHAUD, Mr. ELLSWORTH, Mr. LANGEVIN, Mr. MINNICK, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCHUGH, Ms. FALLIN, Mr. MCGOVERN, Mr. FILNER, Mr. FORTENBERRY, Mr. WITTMAN, Mr. MITCHELL, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. LANCE, Mr. GRIFFITH, Mr. POSEY, Mr. KILDEE, Mr. ADLER of New Jersey, Mr. TAYLOR, Mr. SHULER, Mr. WALZ, Mr. POE of Texas, Mr. LEE of New York, and Mr. SARBANES):

H. Res. 471. A resolution expressing sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009; to the Committee on Armed Services.

By Mr. DENT (for himself, Mr. CARNEY, Mr. GERLACH, Mr. PLATTS, Mr. EHLERS, Mr. LOBIONDO, Mr. GRAVES, Mr. PETERSON, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. SALAZAR, Mr. PETRI, Mr. COBLE, Mr. MACK, Ms. BERKLEY, and Mrs. CAPITO):

H. Res. 472. A resolution congratulating and saluting the seventieth anniversary of the Aircraft Owners and Pilots Association (AOPA) and their dedication to general aviation, safety and the important contribution general aviation provides to the United States; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. BLUNT, Mrs. BLACKBURN, Mr. LAMBORN, Mr. CANTOR, Mr. POE of Texas, Mr. BISHOP of Utah, Mr. SENSENBRENNER, Mr. MACK, Mr. JONES, Mr. CULBERSON, Mr. SIMPSON, Mr. PITTS, Mr. POSEY, Mr. WOLF, Mr. FORBES, and Mr. WITTMAN):

H. Res. 473. A resolution expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mrs. BONO MACK, Mr. KIND, Mr. CONNOLLY of Virginia, Mr. WEXLER, Mrs. CHRISTENSEN, Mrs. LUMMIS, Mr. MICHAUD, Ms. BORDALLO, Mr. THOMPSON of California, Mr. SALAZAR, Mr. POLIS of Colorado, Mr. CLEAVER, Ms. MCCOLLUM, Mr. CAPUANO, Ms. LEE of California, and Ms. MATSUI):

H. Res. 475. A resolution supporting the goals and ideals of National Trails Day; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Ms. BERKLEY, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COURTNEY, Ms. FOXX, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. MARKEY of Colorado, Mr. PAYNE, Ms. TITUS, Mr. THOMPSON of Mississippi, Ms. WATSON, Ms. EDWARDS of Maryland, and Mr. DONNELLY of Indiana):

H. Res. 476. A resolution celebrating the 30th anniversary of June as ''Black Music Month''; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mr. WITTMAN, Mr. BARTLETT, Mr. MILLER of Florida, Mr. AKIN, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. BISHOP of Utah, and Mr. LAMBORN):

H. Res. 477. A resolution directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year shipbuilding plan relating to the long-term shipbuilding strategy of the Department of Defense, as required by section 231 of title 10, United States Code; to the Committee on Armed Services.

By Mr. FORBES (for himself, Mr. WITTMAN, Mr. BARTLETT, Mr. MILLER of Florida, Mr. AKIN, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. BISHOP of Utah, and Mr. LAMBORN):

H. Res. 478. A resolution directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year aviation plan relating to the long-term aviation plans of the Department of Defense, as required by section 231a of title 10, United States Code; to the Committee on Armed Services.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, and Mr. FALEOMAVAEGA):

H. Res. 479. A resolution honoring the contributions of Takamiyama Daigoro to Sumo and to United States-Japan relations; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 480. A resolution recognizing and honoring the historic election of women to the Kuwait parliament and its implications for gender equality in the region; to the Committee on Foreign Affairs.

By Mr. KAGEN (for himself, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Ms. BALDWIN, Mr. PETRI, Mr. OBEY, Mr. KIND, and Ms. MOORE of Wisconsin):

H. Res. 481. A resolution honoring the life and public service of Reverend Robert Cornell, distinguished former Congressman, academic, and clergyman from the State of Wisconsin; to the Committee on House Administration.

By Mr. KISSELL:

H. Res. 482. A resolution congratulating Miss Kristen Dalton for being crowned Miss USA 2009; to the Committee on Oversight and Government Reform.

By Mr. KLINE of Minnesota (for himself, Mr. LOBIONDO, Mr. MASSA, Mr. THORNBERRY, Mr. BRADY of Pennsylvania, Mr. CAO, Mr. SESSIONS, Mr. TEAGUE, Mr. TIAHRT, Mr. DOYLE, Mr. TERRY, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Mr. SIMPSON, Mrs. BONO MACK, Mr. HINOJOSA, Mrs. BACHMANN, Mr. JONES, Mr. ALTMIRE, Mr. COSTELLO, Ms. GINNY BROWN-WAITE of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ADLER of New Jersey, Mr. DAVIS of Alabama, Mr. WITTMAN, Mr. LIPINSKI, Mr. BISHOP of New York, Mr. OLSON, Mr. MICHAUD, Mr. WOLF, Mr. ISSA, Mr. GOHMERT, Mr. COLE, Mr. FLEMING, Mr. LEE of New York, Mr. PAULSEN, Mr. CONAWAY, Mr. HERGER, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. BOOZMAN, Mr. AKIN, Mr. POE of Texas, Mr. JORDAN of Ohio, Mr. MANZULLO, Mrs. MILLER of Michigan, and Mr. GALLEGLY):

H. Res. 483. A resolution supporting the goals and ideals of Veterans of Foreign Wars Day; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself, Mr. INSLEE, Mr. BAIRD, Mr. PASCRELL, Mr. SMITH of Washington, and Mr. GERLACH):

H. Res. 484. A resolution expressing support for designation of June 10th as ''National Pipeline Safety Day''; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H. Res. 485. A resolution expressing support for designation of the third week of April 2009 as ''National Shaken Baby Syndrome Awareness Week''; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Ms. BERKLEY, Mr. SPACE, Ms. ROS-LEHTINEN, Ms. TSONGAS, Mr. BROWN of South Carolina, Mr. SARBANES, Mr. KENNEDY, Mr. VAN HOLLEN, Mr. CARNAHAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PALLONE, Ms. LEE of California, Mr. SIRES, Ms. TITUS, Mr. POE of Texas, Mr. MCMAHON, and Mr. JACKSON of Illinois):

H. Res. 486. A resolution expressing the sense of the House of Representatives that the former Yugoslav Republic of Macedonia should work within the framework of the United Nations process with Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable composite name, with a geographical qualifier and for all international uses for the former Yugoslav Republic of Macedonia; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan:

H. Res. 487. A resolution recognizing the 100th anniversary of the State News at Michigan State University; to the Committee on Education and Labor.

By Mr. WITTMAN:

H. Res. 488. A resolution commending and congratulating Commander David W. Alldridge and the crew of the USS Newport News (SSN 750) on the occasion of the 20th anniversary of the ship's commissioning; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. BOYD:

H.R. 2644. A bill to waive the 35-mile rule to permit recognition of Gadsden Community Hospital as a critical access hospital under the Medicare Program; to the Committee on Ways and Means.

By Mr. RUSH:

H.R. 2645. A bill for the relief of Elvira Arellano, Juan Carlos Arreguin, Maria I. Benitez, Francisco J. Castro, Jaime Cruz, Martha Davalos, Maria A. Martin, Juan Jose Mesa, Domenico Papaianni, Juan Manuel Castellanos, Juan Jose Rangel Sr, Dayron S. Rios Arenas, Araceli Contreras-Del Toro, Doris Oneida Ulloa, Bladimir I. Caballero, Arnulfo Alfaro, Consuelo Castellanos, Eliseo Pulido, Gilberto Romero, Maria Liliana Rua-Saenz, Aurelia Martinez-Garcia, Tomas F. Martinez-Garcia, Flor Crisostomo, Gloria M. Alcantara, Roberto Barrera - lopez, Toribio Barrera-Vieyra, Carolina Carrillo de Uribe, Adan Rosales Del Valle, Marie Teresa Herenandez, Consualo Constella, Lucia Larios Arreola, Maria Guadalupe Lopez, Jose Martinez de la Cerde, Ruben Mendoza Lagunas, Jesus de Parafox, German Raminez, Josefina Santoyo, Noelia Corona, Teresa Figueroa-Villasenoe, and Fatima Karuma; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. HODES, Mr. KLEIN of Florida, Mr. NADLER of New York, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, and Mr. ROTHMAN of New Jersey.

H.R. 22: Mr. JACKSON of Illinois, Mr. MCDERMOTT, and Ms. CASTOR of Florida.

H.R. 24: Mr. BISHOP of New York, Mr. BOSWELL, Mr. GUTHRIE, Mr. COURTNEY, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. SESSIONS, Mr. GRIJALVA, Mr. MINNICK, Ms. KILPATRICK of Michigan, Mr. BOYD, Mr. ALTMIRE, Mr. DENT, Ms. CASTOR of Florida, Mr. MELANCON, Mr. PETERSON, Mr. DAVIS of Alabama, Mr. SCHAUER, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. ELLISON, Mr. DAVIS of Tennessee, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mrs. LOWEY, and Mr. WALDEN.

H.R. 25: Mr. BILIRAKIS.

H.R. 28: Mr. HUNTER.

H.R. 42: Mr. STARK, Ms. HIRONO, and Mr. GUTIERREZ.

H.R. 87: Mr. ISSA.

H.R. 205: Mr. BARRETT of South Carolina.

H.R. 208: Mr. KAGEN, Mrs. LUMMIS, Mr. MCINTYRE, Mr. MCKEON, Mr. CALVERT, Mr. SMITH of New Jersey, Ms. FALLIN, Mr. TIAHRT, Mr. ETHERIDGE, and Mr. BISHOP of Utah.

H.R. 213: Mr. CASSIDY, Mr. NEUGEBAUER, and Mr. GUTHRIE.

H.R. 235: Mr. CUMMINGS.

H.R. 268: Mr. GARRETT of New Jersey.

H.R. 272: Mr. BOOZMAN.

H.R. 275: Mr. KAGEN, Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. MCCAUL, Mr. CASSIDY, Mr. KIRK, Mr. MITCHELL, Mr. CUMMINGS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GRANGER, Mr. LIPINSKI, Mr. MARIO DIAZ-BALART of Florida, and Mr. SESSIONS.

H.R. 293: Mr. CASSIDY.

H.R. 294: Mr. CASSIDY.

H.R. 295: Mr. CASSIDY.

H.R. 329: Ms. SCHAKOWSKY.

H.R. 403: Mr. CONNOLLY of Virginia, Mr. CARSON of Indiana, Mr. HALL of New York, Mr. MCGOVERN, Mr. COSTA, Mr. GENE GREEN of Texas, and Mrs. MALONEY.

H.R. 413: Mr. MICHAUD, Ms. PINGREE of Maine, Mr. PETERS, Mr. ELLSWORTH, Ms. SCHAKOWSKY, Mr. GERLACH, and Mr. PAYNE.

H.R. 422: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. COURTNEY, and Mr. KENNEDY.

H.R. 426: Mr. HIMES.

H.R. 442: Mrs. KIRKPATRICK of Arizona, Mr. ROONEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. COBLE, and Mr. SAM JOHNSON of Texas.

H.R. 444: Mr. SKELTON, Mr. CARNAHAN, and Mr. CULBERSON.

H.R. 450: Mr. FORBES and Mr. CULBERSON.

H.R. 463: Ms. CASTOR of Florida.

H.R. 503: Ms. ROYBAL-ALLARD and Ms. CLARKE.

H.R. 510: Mr. BERRY.

H.R. 517: Mr. KLEIN of Florida.

H.R. 537: Mr. RYAN of Ohio and Mr. PUTNAM.

H.R. 556: Mr. GRIJALVA, Ms. ROYBAL-ALLARD, and Mr. VAN HOLLEN.

H.R. 557: Mr. RYAN of Wisconsin and Mr. BURGESS.

H.R. 574: Mr. HIMES.

H.R. 616: Mr. EDWARDS of Texas, Mr. LUCAS, Mr. LAMBORN, Mr. FLEMING, Mr. WESTMORELAND, Mr. BOUSTANY, and Mr. WOLF.

H.R. 621: Mr. BOUSTANY, Mr. WELCH, and Mr. RADANOVICH.

H.R. 622: Mr. CHILDERS and Mr. BRADY of Pennsylvania.

H.R. 634: Mr. DANIEL E. LUNGREN of California.

H.R. 716: Mr. PASTOR of Arizona.

H.R. 734: Mr. WEXLER, Mr. LIPINSKI, and Mr. BERRY.

H.R. 795: Mr. RYAN of Ohio.

H.R. 836: Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Mr. KANJORSKI, Mr. TIAHRT, and Mr. ISSA.

H.R. 848: Mr. GORDON of Tennessee and Ms. ESHOO.

H.R. 868: Mr. RAHALL.

H.R. 874: Mr. STUPAK and Mr. DICKS.

H.R. 886: Ms. SCHAKOWSKY and Mr. LIPINSKI.

H.R. 889: Mr. OLVER, Mrs. CAPPS, Mr. HODES, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. WELCH, Mr. VAN HOLLEN, Mr. GRIJALVA, and Mr. MORAN of Virginia.

H.R. 890: Mrs. HALVORSON and Mr. MORAN of Virginia.

H.R. 904: Mr. MEEK of Florida.

H.R. 914: Mr. COBLE.

H.R. 930: Mr. HIMES.

H.R. 932: Mr. PERRIELLO.

H.R. 958: Mr. JOHNSON of Georgia, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. CUMMINGS.

H.R. 984: Mr. CAPUANO.

H.R. 988: Mr. DEFAZIO, Mr. WILSON of South Carolina, Mr. COHEN, Mr. BARTLETT, Mr. HINOJOSA, Ms. BERKLEY, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1015: Mr. MCINTYRE and Mr. BOUCHER.

H.R. 1020: Mr. PIERLUISI.

H.R. 1024: Mr. TONKO, Mr. TOWNS, and Ms. EDWARDS of Maryland.

H.R. 1032: Mr. PAULSEN.

H.R. 1042: Mr. MARCHANT.

H.R. 1064: Ms. DELAURO, Mr. PERRIELLO, Mr. NYE, and Mr. SOUDER.

H.R. 1066: Mr. GERLACH, Mr. KENNEDY, and Mr. CONYERS.

H.R. 1074: Mr. MURTHA and Mr. COBLE.

H.R. 1077: Mr. CARNAHAN.

H.R. 1083: Mr. ROONEY.

H.R. 1093: Mr. SKELTON, Mr. MCINTYRE, Mr. WEXLER, Mr. GRIJALVA, and Mr. JOHNSON of Georgia.

H.R. 1094: Mr. PLATTS.

H.R. 1111: Mr. SIMPSON, Mrs. LUMMIS, and Mr. FLEMING.

H.R. 1115: Mrs. LUMMIS.

H.R. 1129: Mr. LIPINSKI.

H.R. 1132: Mr. COSTA, Mr. CARNAHAN, Mr. SHIMKUS, and Mr. TAYLOR.

H.R. 1142: Mr. LATHAM.

H.R. 1159: Mr. ROTHMAN of New Jersey.

H.R. 1177: Mr. BISHOP of Utah and Mr. KILDEE.

H.R. 1179: Mr. OLVER, Mr. MICHAUD, Mr. KIRK, and Mr. RUPPERSBERGER.

H.R. 1188: Mr. CONAWAY, Mr. NYE, Mr. GONZALEZ, Mr. CARNAHAN, Mr. LAMBORN, and Ms. BERKLEY.

H.R. 1189: Mr. MCCAUL.

H.R. 1193: Mr. CONYERS.

H.R. 1203: Mr. BILIRAKIS, Mr. COBLE, Mr. STARK, Ms. KOSMAS, Mr. SCHAUER, Mr. DELAHUNT, and Mr. GONZALEZ.

H.R. 1205: Mr. CHILDERS, Mr. BOCCIERI, Mr. HINCHEY, and Mr. MCCOTTER.

H.R. 1207: Mr. ROSS, Ms. BERKLEY, Mr. WELCH, and Mr. THORNBERRY.

H.R. 1210: Mr. HONDA.

H.R. 1220: Mr. HENSARLING.

H.R. 1229: Mr. BONNER.

H.R. 1230: Mr. BURGESS, Mr. GONZALEZ, and Mr. BISHOP of New York.

H.R. 1240: Mr. OBERSTAR.

H.R. 1242: Mr. WELCH.

H.R. 1289: Ms. SUTTON and Mr. FOSTER.

H.R. 1308: Mr. GRIFFITH, Mrs. DAHLKEMPER, Mr. BISHOP of New York, Mr. HILL, Mr. DOYLE, and Mr. KRATOVIL.

H.R. 1317: Mr. HOLDEN.

H.R. 1322: Mr. BRALEY of Iowa and Mr. RYAN of Ohio.

H.R. 1324: Mr. CUELLAR, Mr. HIMES, and Ms. SPEIER.

H.R. 1346: Mr. KENNEDY, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, Mr. MASSA, and Mr. DAVIS of Illinois.

H.R. 1350: Mr. TIAHRT.

H.R. 1354: Mrs. LUMMIS.

H.R. 1361: Mr. CARSON of Indiana.

H.R. 1378: Mr. MURPHY of Connecticut, Ms. CASTOR of Florida, and Ms. HARMAN.

H.R. 1392: Mr. ISRAEL, Mr. MEEKS of New York, and Mr. PLATTS.

H.R. 1398: Mr. DELAHUNT, Mr. POSEY, Mr. LATHAM, Mr. WITTMAN, Ms. CASTOR of Florida, Mr. BOYD, and Mr. PUTNAM.

H.R. 1410: Ms. TITUS and Mr. FRANK of Massachusetts.

H.R. 1412: Mr. SERRANO, Mr. ISRAEL, and Mr. DELAHUNT.

H.R. 1441: Mr. BERRY.

H.R. 1443: Mr. HOLDEN.

H.R. 1466: Ms. SCHAKOWSKY.

H.R. 1470: Mr. KLEIN of Florida.

H.R. 1485: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1492: Mr. FOSTER.

H.R. 1505: Ms. NORTON and Mrs. MILLER of Michigan.

H.R. 1521: Mrs. MCCARTHY of New York.

H.R. 1523: Mr. MASSA and Mr. GONZALEZ.

H.R. 1528: Mr. PETERSON and Mr. CLAY.

H.R. 1530: Mr. PETERSON and Mr. CLAY.

H.R. 1531: Mr. PETERSON and Mr. CLAY.

H.R. 1545: Mr. PERRIELLO, Mr. LIPINSKI, and Mr. MAFFEI.

H.R. 1547: Mr. LOEBSACK.

H.R. 1551: Mr. ROTHMAN of New Jersey.

H.R. 1552: Mr. GALLEGLY.

H.R. 1558: Mr. DEFAZIO.

H.R. 1587: Mr. FOSTER and Mr. SMITH of Washington.

H.R. 1588: Mr. BARRETT of South Carolina.

H.R. 1604: Mrs. MCCARTHY of New York, Mr. FLAKE, and Mr. GRAYSON.

H.R. 1612: Mr. ROTHMAN of New Jersey.

H.R. 1615: Mr. OLVER.

H.R. 1616: Mr. GUTIERREZ.

H.R. 1618: Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Ms. SPEIER, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. PAYNE, Mr. ANDREWS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. WEINER, and Mr. FATTAH.

H.R. 1619: Mr. MAFFEI.

H.R. 1621: Mr. LATTA.

H.R. 1632: Mr. PAUL.

H.R. 1633: Mr. MELANCON and Mr. MCGOVERN.

H.R. 1643: Mr. CARNAHAN and Mr. NUNES.
H.R. 1670: Mr. GONZALEZ.
H.R. 1684: Mr. ORTIZ, Mr. COBLE, and Mr. SAM JOHNSON of Texas.
H.R. 1685: Mrs. LOWEY.
H.R. 1691: Mr. BAIRD.
H.R. 1695: Mr. ROSS, Mr. SMITH of New Jersey, Mr. LOEBSACK, Mr. PLATTS, and Mr. PAYNE.
H.R. 1699: Ms. ROYBAL-ALLARD.
H.R. 1708: Mr. BRADY of Pennsylvania, Ms. GIFFORDS, Mr. HONDA, and Ms. ESHOO.
H.R. 1709: Mr. MILLER of North Carolina and Mr. MCINTYRE.
H.R. 1718: Mr. COHEN.
H.R. 1721: Ms. SCHAKOWSKY.
H.R. 1723: Mr. HASTINGS of Florida.
H.R. 1727: Mr. CAMPBELL.
H.R. 1736: Mr. MILLER of North Carolina.
H.R. 1743: Mr. NUNES.
H.R. 1766: Mr. HASTINGS of Florida.
H.R. 1775: Mr. CARNAHAN.
H.R. 1799: Mr. CUELLAR and Mr. BOSWELL.
H.R. 1806: Mr. CAPUANO.
H.R. 1829: Ms. BERKLEY, Mr. HINOJOSA, Mr. BARTLETT, Mr. SOUDER, and Ms. NORTON.
H.R. 1831: Mr. HARPER, Mr. LATTA, Mr. PLATTS, Mr. BOREN, Mr. POMEROY, Mr. ROONEY, Mr. CROWLEY, Mr. MCCAUL, Mr. WALZ, Mr. FLEMING, and Mr. ROTHMAN of New Jersey.
H.R. 1835: Mr. BURTON of Indiana, Ms. GRANGER, Mrs. BONO MACK, Mr. BILBRAY, Mrs. BLACKBURN, Mr. DELAHUNT, Mr. PLATTS, Mr. CASSIDY, Mr. GENE GREEN of Texas, and Mr. GERLACH.
H.R. 1855: Ms. FUDGE.
H.R. 1864: Mr. CALVERT, Mr. SCHOCK, and Mr. BOOZMAN.
H.R. 1870: Mr. LATHAM.
H.R. 1880: Mr. HIMES.
H.R. 1881: Mr. CAPUANO, Mr. SARBANES, Mr. ARCURI, Mr. HONDA, Mr. WEINER, and Mr. WALZ.
H.R. 1884: Mrs. KIRKPATRICK of Arizona, Mr. SOUDER, Mr. HELLER, Mr. BERRY, Mr. SCHRADER, and Ms. BERKLEY.
H.R. 1886: Mr. VAN HOLLEN.
H.R. 1894: Mr. BISHOP of New York.
H.R. 1917: Ms. SCHWARTZ, Mr. GERLACH, and Mr. BRADY of Pennsylvania.
H.R. 1927: Ms. SCHWARTZ and Mr. DOYLE.
H.R. 1956: Mr. DELAHUNT, Mr. DEFAZIO, and Mr. OBERSTAR.
H.R. 1970: Mr. ALEXANDER, Mr. WELCH, Mr. BOOZMAN, and Mr. GORDON of Tennessee.
H.R. 1974: Mr. HODES and Mr. COSTA.
H.R. 1977: Mr. KLEIN of Florida.
H.R. 1980: Ms. FOXX and Mr. FLEMING.
H.R. 1981: Mr. SAM JOHNSON of Texas and Mr. CARTER.
H.R. 2002: Mr. TERRY and Mr. GERLACH.
H.R. 2006: Ms. GIFFORDS and Mrs. MILLER of Michigan.
H.R. 2014: Mr. FRELINGHUYSEN, Ms. GIFFORDS, Mr. DAVIS of Illinois, Mr. OLSON, Mr. ROHRABACHER, Ms. WATSON, Mr. DEFAZIO, Mr. ACKERMAN, Mr. MCCOTTER, Mr. TEAGUE, Mr. BRADY of Pennsylvania, Mr. KUCINICH, Mr. LANGEVIN, Mr. DANIEL E. LUNGREN of California, Mr. STUPAK, Mr. PLATTS, Ms. CLARKE, Mr. WAXMAN, Mr. KIRK, Mr. SIRES, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, Mr. ENGEL, Mr. HERGER, Mr. ISSA, Mr. KINGSTON, Mr. BLUNT, Ms. NORTON, Mr. MAFFEI, Mr. THOMPSON of California, Mr. POE of Texas, Mr. HUNTER, Mr. MILLER of North Carolina, Mr. KAGEN, Mr. FLEMING, Ms. WATERS, Mr. KING of New York, Ms. BALDWIN, Mr. PENCE, Mr. PITTS, Mr. TIBERI, Mr. COLE, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. NADLER of New York, Mr. GINGREY of Georgia, Mr. LATHAM, Mr. PRICE of Georgia, Mr. KILDEE, Mr. BACHUS, Mr. WHITFIELD, Mr. CANTOR, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. BUYER, Mr. CROWLEY, Mr. GOODLATTE, Mr. FRANK of Massachusetts, Mr. TONKO, Mr. SHADEGG, and Mr. PALLONE.
H.R. 2016: Mr. PASCRELL.
H.R. 2017: Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. WOLF, Mr. CARNAHAN, Mrs. MILLER of Michigan, and Mr. LOEBSACK.
H.R. 2024: Mr. UPTON, Mr. DINGELL, and Mr. SPRATT.
H.R. 2038: Mr. FLAKE.
H.R. 2057: Mr. MCGOVERN, Mr. DEFAZIO, Mr. PLATTS, and Mr. ALTMIRE.
H.R. 2058: Mr. PETERSON.
H.R. 2061: Mr. TIAHRT.
H.R. 2068: Mr. YOUNG of Alaska, Mr. BOUCHER, Mr. LOEBSACK, and Mrs. MILLER of Michigan.
H.R. 2079: Ms. ZOE LOFGREN of California.
H.R. 2103: Mr. LATHAM.
H.R. 2123: Mr. GERLACH.
H.R. 2124: Mr. RYAN of Wisconsin.
H.R. 2134: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. BERKLEY.
H.R. 2137: Mr. TOWNS, Mr. WATT, Mr. SERRANO, Ms. EDWARDS of Maryland, Mr. AL GREEN of Texas, Mr. HOLT, Mr. CUMMINGS, Mr. RANGEL, Mr. CLEAVER, Mr. NADLER of New York, Mr. CARNAHAN, and Ms. ROS-LEHTINEN.
H.R. 2139: Mr. HODES, Mr. CROWLEY, Mr. ELLISON, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. SMITH of Washington, Ms. SCHAKOWSKY, and Mr. WU.
H.R. 2143: Mr. CAMPBELL.
H.R. 2159: Mr. TOWNS.
H.R. 2163: Mr. GRIJALVA.
H.R. 2164: Mr. GRIJALVA.
H.R. 2178: Mr. JOHNSON of Georgia.
H.R. 2190: Mr. SMITH of Washington.
H.R. 2194: Mr. HILL, Mr. TIAHRT, Mrs. MCMORRIS RODGERS, Mr. CARDOZA, Mr. COSTA, Ms. ESHOO, Mr. CARNEY, Mr. PERLMUTTER, Mr. WILSON of South Carolina, and Mr. REHBERG.
H.R. 2199: Mrs. MCCARTHY of New York.
H.R. 2205: Mr. PETRI.
H.R. 2206: Mr. SPACE, Mr. MASSA, Mr. CONAWAY, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. BERRY, Mr. FLEMING, Mr. CARNAHAN, Mr. SESTAK, and Mr. MINNICK.
H.R. 2220: Mr. PLATTS, Mr. MICHAUD, Mr. RAHALL, Mr. ROTHMAN of New Jersey, Mr. KIND, Ms. VELÁZQUEZ, Mr. COURTNEY, Mr. HOLDEN, Mr. RUPPERSBERGER, and Ms. ROYBAL-ALLARD.
H.R. 2222: Mr. BLUMENAUER.
H.R. 2227: Mr. BOREN, Mr. DANIEL E. LUNGREN of California, Mr. PAULSEN, Mr. BARTLETT, Mr. REHBERG, Mr. SHUSTER, and Mr. CASSIDY.
H.R. 2245: Mr. CAO, Ms. BORDALLO, Mr. WILSON of Ohio, Mr. WAXMAN, and Mr. GRIFFITH.
H.R. 2246: Mr. OBERSTAR.
H.R. 2259: Ms. SHEA-PORTER and Mr. TEAGUE.
H.R. 2261: Mr. ROTHMAN of New Jersey.
H.R. 2262: Mr. HONDA, Mr. MCDERMOTT, and Mr. HASTINGS of Florida.
H.R. 2266: Mr. CROWLEY, Mr. MCMAHON, Mr. ROTHMAN of New Jersey, and Mr. FILNER.
H.R. 2267: Mr. CROWLEY, Mr. MCMAHON, Mr. ROTHMAN of New Jersey, and Mr. FILNER.
H.R. 2269: Mr. HONDA and Ms. MCCOLLUM.
H.R. 2273: Mr. MEEKS of New York.
H.R. 2277: Mr. GONZALEZ.
H.R. 2279: Ms. EDWARDS of Maryland.
H.R. 2283: Mr. KING of Iowa and Mr. TIAHRT.
H.R. 2287: Mr. COFFMAN of Colorado, Mr. SHUSTER, Mr. BOOZMAN, Mr. MANZULLO, Mr. CALVERT, Mr. FORBES, Mr. LATTA, Mr. HUNTER, and Mrs. MILLER of Michigan.
H.R. 2288: Mr. BISHOP of Utah.
H.R. 2294: Mr. SHADEGG, Mr. UPTON, Mr. WESTMORELAND, Mr. SOUDER, Mr. GARY G. MILLER of California, Mrs. BONO MACK, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. DUNCAN, Mr. CASTLE, Mrs. BIGGERT, Mrs. MILLER of Michigan, and Mr. INGLIS.
H.R. 2295: Mr. MICHAUD.
H.R. 2296: Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. POSEY, Mr. SCALISE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Alaska, Mr. GALLEGLY, Mr. COBLE, and Mr. SAM JOHNSON of Texas.
H.R. 2300: Mr. MCCOTTER, Mr. CULBERSON, Mr. GALLEGLY, Mrs. BACHMANN, Mr. COFFMAN of Colorado, Mr. CARTER, Mr. THOMPSON of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. HENSARLING, and Mr. HUNTER.
H.R. 2304: Mr. CARNEY.
H.R. 2305: Mr. LINDER, Mr. SMITH of Nebraska, Mr. CHAFFETZ, and Mr. WITTMAN.
H.R. 2308: Mr. GEORGE MILLER of California.
H.R. 2329: Mr. SCHIFF and Mr. THOMPSON of Mississippi.
H.R. 2338: Mr. COBLE.
H.R. 2345: Mr. PAUL, Mr. AKIN, and Mr. MICHAUD.
H.R. 2350: Mr. JOHNSON of Georgia.
H.R. 2353: Mr. WAMP, Mr. PRICE of Georgia, and Mr. MANZULLO.
H.R. 2358: Mr. MASSA.
H.R. 2360: Mr. WOLF, Mr. KLEIN of Florida, and Mr. MANZULLO.
H.R. 2365: Ms. GINNY BROWN-WAITE of Florida and Mr. BOUCHER.
H.R. 2373: Mrs. EMERSON, Mr. BROWN of South Carolina, Mr. HALL of Texas, Mr. GOHMERT, Mr. TEAGUE, Mr. BLUNT, and Mr. WITTMAN.
H.R. 2378: Mr. PITTS, Mr. THOMPSON of Pennsylvania, and Ms. SLAUGHTER.
H.R. 2382: Mr. ADLER of New Jersey and Mr. JONES.
H.R. 2387: Mr. MCCOTTER and Mr. BOOZMAN.
H.R. 2393: Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. COLE, Mr. YOUNG of Alaska, Mr. BROWN of South Carolina, Mr. SENSENBRENNER, Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mrs. BONO MACK, Mrs. BACHMANN, Mr. LATTA, Mr. GALLEGLY, and Mr. WHITFIELD.
H.R. 2404: Mr. MICHAUD, Mrs. CAPPS, Mr. LUJÁN, and Mr. WAXMAN.
H.R. 2406: Mr. GARY G. MILLER of California, Mr. BACHUS, Mrs. MYRICK, Mr. MCINTYRE, Mr. DUNCAN, Mr. BOOZMAN, Mr. BLUNT, Mr. LINDER, and Mr. WHITFIELD.
H.R. 2409: Mr. SKELTON and Mrs. LUMMIS.
H.R. 2412: Mr. GRIJALVA and Mr. MURTHA.
H.R. 2421: Mr. BACA, Mr. BROWN of South Carolina, Mr. COLE, Mr. DENT, MR. GARRETT of New Jersey, Mr. JONES, Mr. KINGSTON, Mr. LANCE, Mr. TIAHRT, Mr. WITTMAN, Mr. CAMP, and Mr. ALTMIRE.
H.R. 2427: Ms. WATSON, Ms. LORETTA SANCHEZ of California, Mr. COSTA, Ms. ROYBAL-ALLARD, Mr. BACA, and Ms. HARMAN.
H.R. 2440: Mr. LATTA.
H.R. 2447: Mr. HERGER and Mr. KIND.
H.R. 2452: Mr. BUCHANAN and Mr. TANNER.
H.R. 2456: Mr. LOEBSACK.
H.R. 2469: Mr. LAMBORN.
H.R. 2474: Ms. LORETTA SANCHEZ of California, Mr. COSTA, and Ms. ROYBAL-ALLARD.
H.R. 2479: Mr. THOMPSON of Pennsylvania.
H.R. 2480: Mr. CASTLE, Mrs. TAUSCHER, Mr. GALLEGLY, Mr. REICHERT, and Mr. MITCHELL.
H.R. 2497: Ms. NORTON and Mr. SIRES.
H.R. 2499: Mr. CARTER.
H.R. 2501: Mr. SALAZAR and Mr. ABERCROMBIE.
H.R. 2518: Mr. KLINE of Minnesota, Mrs. MYRICK, and Ms. JENKINS.
H.R. 2525: Ms. DELAURO.
H.R. 2531: Mr. SIRES, Mr. FILNER, and Mr. HONDA.
H.R. 2534: Mr. DAVIS of Kentucky.
H.J. Res. 42: Mr. ROYCE, Mr. HASTINGS of Washington, Mr. SCALISE, Mr. BARTON of Texas, Mr. MCCARTHY of California, and Mr. GRAVES.

H.J. Res. 46: Mr. CALVERT.
H.J. Res. 47: Mr. TEAGUE, Mr. MCHUGH, and Mr. KING of New York.
H.J. Res. 50: Mr. SAM JOHNSON of Texas, Mr. FORBES, and Mr. BARTON of Texas.
H. Con. Res. 16: Mr. LANCE and Mr. ROONEY.
H. Con. Res. 29: Mr. MORAN of Kansas.
H. Con. Res. 48: Mr. KENNEDY.
H. Con. Res. 49: Mr. BUCHANAN, Mr. SARBANES, Mr. BILBRAY, Mr. SMITH of New Jersey, and Mrs. SCHMIDT.
H. Con. Res. 87: Mr. BOOZMAN, Ms. GRANGER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 109: Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mr. INSLEE, Mr. WEINER, Mr. KILDEE, Mr. SCOTT of Virginia, Mrs. KIRKPATRICK of Arizona, Mr. MAFFEI, Mr. SCHRADER, Mr. LYNCH, Mr. WELCH, Mr. ENGEL, Mr. MILLER of North Carolina, Mr. COSTA, Ms. BEAN, Mr. DUNCAN, Mr. MITCHELL, Mr. ELLSWORTH, Mrs. DAVIS of California, Ms. WOOLSEY, Mr. SARBANES, Mr. BRIGHT, Mr. MURPHY of New York, Mr. COURTNEY, Ms. ESHOO, Mr. STUPAK, Mr. GONZALEZ, Ms. SUTTON, Mr. SESTAK, Mr. BOUCHER, Mr. YARMUTH, Ms. SCHAKOWSKY, Ms. KILROY, Mr. GRIFFITH, Mrs. CAPITO, Mr. TIM MURPHY of Pennsylvania, Mr. POLIS, Mr. BOCCIERI, Mr. ADLER of New Jersey, Mr. HIMES, Mrs. LUMMIS, Ms. HARMAN, Ms. CASTOR of Florida, Mr. DOYLE, Mr. SALAZAR, Ms. PINGREE of Maine, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERS, Mr. CARNAHAN, Ms. HIRONO, Mr. SHULER, Mr. RUSH, Mr. CAMP, Mr. BLUNT, Ms. FOXX, Mr. LEE of New York, Mr. MURPHY of Connecticut, Mr. BROUN of Georgia, Mr. WILSON of Ohio, and Mr. ROSS.
H. Con. Res. 110: Ms. BALDWIN.
H. Con. Res. 112: Mr. RADANOVICH.
H. Con. Res. 127: Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. FATTAH, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, and Mr. WEXLER.
H. Con. Res. 130: Mr. YOUNG of Florida and Mr. ARCURI.
H. Con. Res. 131: Mr. HARPER, Mr. MCCARTHY of California, Mr. FORBES, and Mr. AKIN.
H. Con. Res. 132: Mr. SMITH of New Jersey, Mr. CONAWAY, Mr. KING of New York, and Mr. MCCOTTER.
H. Res. 36: Mr. KUCINICH.
H. Res. 55: Mrs. MCMORRIS RODGERS.
H. Res. 81: Ms. FOXX, Mr. COBLE, and Mr. LATTA.
H. Res. 111: Mr. SIRES, Mr. HODES, and Mr. LOEBSACK.
H. Res. 156: Mr. TIAHRT.
H. Res. 159: Ms. SUTTON, Mr. KENNEDY, Mr. ISRAEL, and Mr. MICHAUD.
H. Res. 185: Mr. BOCCIERI.
H. Res. 196: Mr. MCINTYRE and Mr. LAMBORN.
H. Res. 209: Mrs. LOWEY and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 225: Mrs. BACHMANN and Mr. KINGSTON.
H. Res. 227: Mr. VAN HOLLEN.
H. Res. 236: Mr. ROTHMAN of New Jersey and Mrs. LOWEY.
H. Res. 274: Mr. PASTOR of Arizona, Mr. STUPAK, and Mr. SMITH of Washington.
H. Res. 278: Mr. ELLISON.
H. Res. 314: Mr. LOEBSACK, Mr. PUTNAM, Ms. TITUS, Mr. TIERNEY, Mr. MATHESON, Mr. KLEIN of Florida, Mr. HODES, Mr. ARCURI, Mr. HALL of New York, Ms. HIRONO, Ms. SHEA-PORTER, Mr. TONKO, Mr. DONNELLY of Indiana, Ms. DEGETTE, Mr. BOCCIERI, Mr. ELLISON, Mr. KENNEDY, Mr. MCNERNEY, and Mr. MURPHY of Connecticut.
H. Res. 355: Mr. DAVIS of Illinois.
H. Res. 364: Mr. ROSS, Mr. POLIS of Colorado, Ms. FUDGE, Mr. MACK, and Mr. SMITH of New Jersey.
H. Res. 366: Mr. FOSTER, Mr. BILBRAY, Ms. CASTOR of Florida, and Mr. BURGESS.
H. Res. 373: Mr. SMITH of New Jersey.
H. Res. 394: Mr. TIAHRT.
H. Res. 397: Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. HERGER, Mr. CHAFFETZ, Mr. FLEMING, Mr. COLE, Mrs. LUMMIS, Mr. POSEY, Mr. LUETKEMEYER, Mr. ISSA, Mr. MORAN of Kansas, and Mr. ROGERS of Alabama.
H. Res. 407: Mr. DOYLE, Mr. GRIFFITH, Mr. GONZALEZ, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Mr. MCGOVERN, Mr. SHERMAN, Mr. BOSWELL, and Mr. CONYERS.
H. Res. 409: Mr. PETRI, Mr. Schauer, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. SENSENBRENNER, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. LEVIN, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. CAMPBELL, and Mr. MANZULLO.
H. Res. 419: Mr. CONYERS and Ms. CASTOR of Florida.
H. Res. 420: Mr. MCCARTHY of California Mr. MARCHANT, Mr. MCCAUL, Mr. ROGERS of Kentucky, Mr. COBLE, Mr. TURNER, Mr. MCCOTTER, Mr. DENT, Mr. SIMPSON, Mr. TIBERI, Mr. LATOURETTE, Mr. SHUSTER, Mr. SULLIVAN, Mr. SMITH of Nebraska, Mr. CAO, Mr. WHITFIELD, Mr. MCCLINTOCK, Mr. EHLERS, Mr. CASTLE, Mr. LANCE, Mr. ADERHOLT, Mr. CHAFFETZ, Mr. MCINTYRE, Mr. SHULER, Mr. CALVERT, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. BRADY of Pennsylvania, Mr. BOUSTANY, Mr. DRIEHAUS, Mr. KING of New York, Mr. BURTON of Indiana, and Mr. CARTER.
H. Res. 428: Mr. DAVIS of Tennessee and Mr. LATTA.
H. Res. 433: Ms. LEE of California, Mr. QUIGLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. FATTAH, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. BERKLEY, and Ms. SCHAKOWSKY.
H. Res. 435: Mr. WU.
H. Res. 439: Ms. RICHARDSON.

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 Mr. THOMPSON of Mississippi, or a designee, to H.R. 2200, the Transportation Security Administration Authorization Act, 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.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1346: Mr. GERLACH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. CARTER on H.R. 735: Rodney Alexander and Michael C. Burgess.

Petition 3, by Mr. LATOURETTE on House Resolution 359: Jason Chaffetz, Leonard Lance, Ileana Ros-Lehtinen, Bill Posey, Kevin McCarthy, John A. Boehner, Mike Coffman, Thomas J. Rooney, Steve Austria, Erik Paulsen, Lee Terry, Christopher John Lee, Tom Price, Cynthia M. Lummis, Jerry Moran, Bill Shuster, Dave Camp, Bill Cassidy, Jeb Hensarling, Ander Crenshaw, Eric Cantor, David Dreier, Peter J. Roskam, Kevin Brady, Tom Cole, Bob Goodlatte, Lynn A. Westmoreland, Howard P. ''Buck'' McKeon, Duncan Hunter, Darrell E. Issa, Spencer Bachus, Jo Bonner, Michael R. Turner, Frank D. Lucas, Gary G. Miller, Aaron Schock, John R. Carter, Tom McClintock, Jack Kingston, Paul C. Broun, Adrian Smith, Louie Gohmert, Phil Gingrey, Dean Heller, Zach Wamp, Mary Bono Mack, Sam Graves, Rob Bishop, Mike Rogers (AL), Steve King, Cliff Stearns, John B. Shadegg, Donald A. Manzullo, Geoff Davis, Ted Poe, Mike Pence, John Shimkus, Gus M. Bilirakis, Pete Sessions, Trent Franks, Ralph M. Hall, Jo Ann Emerson, Michael C. Burgess, and Bob Inglis.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *111th* CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, MAY 21, 2009 *No. 79*

Senate

The Senate met at 9 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Bill Shuler from Capital Life Church in Arlington, VA.

The guest Chaplain offered the following prayer:

Let us pray.

Heavenly Father, as we bow our heads and pray, we acknowledge that we are one nation under God. Grant these Members of the Senate wisdom. Let their leadership be marked by faith, courage, health, and compassion.

God, we pray that You will refresh these Senators. Help them envision a world that is not yet but ought to be. Make their goals clear, their hearts brave, and their actions resolute. Grant them integrity and purpose in their generation. Let their daily duties translate into better lives for those they serve. God, reward their hard work. Bless their families and bless their staffs.

We pray these things in the Name of the One who binds up the brokenhearted and proclaims liberty to the captives. In Jesus' Name, amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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, May 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following leader remarks, the Senate will resume consideration of H.R. 2346, the emergency supplemental appropriations bill, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees. At 10 a.m., the Senate will proceed to vote on the motion to invoke cloture on H.R. 2346. The filing deadline for second-degree amendments is 9:30 a.m. today.

We are confident cloture will be invoked on this most important piece of legislation. I think we have had a very good debate on a number of issues. We will finish this bill before we leave this week. We hope we can do it today. There is no reason we should not be able to do it today, but if not, we will have to let the 30 hours run out sometime tomorrow evening.

We have had a tremendously productive work period. We have all worked extremely hard, and as I have said before, it is nice to be able to be home during the week rather than just on weekends. So we look forward to having a productive work period during the next week in our home States and look forward to having a productive day today and sending this bill on to the House and have the conference completed. There are very few things that need to be worked out in conference, but that should be done in a few days, and we will complete this when we get back. We have checked with the Pentagon, and they are satisfied that if we finish this when we get back, there will be adequate time to fund everything our troops need.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GUANTANAMO

Mr. MCCONNELL. Madam President, a little later this morning, the President will discuss his decision to close Guantanamo by an arbitrary deadline that is now only 8 months away. It is clear to both Republicans and Democrats in Congress that the administration does not currently have a plan for closing Guantanamo and that closing it without a plan is simply unacceptable. So I hope the President uses his remarks this morning to present a concrete plan that demonstrates how closing Guantanamo will keep Americans as safe as Guantanamo has.

We know the FBI has serious concerns about any plans to release or transfer other detainees into the United States. Just yesterday, FBI Director Mueller said detainees who are sent to U.S. soil, even if they are only sent to secure detention facilities, might still be able to conduct terrorist activities, much like gang leaders who have been able to run their gangs from prison. Director Mueller also stated that detainees released or transferred

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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into the United States could endanger the American people by radicalizing others or providing financial support for terrorism. Director Mueller's testimony appears to undermine the claim that sending detainees to the United States is a safe alternative to Guantanamo.

Yesterday, the Senate spoke with near unanimity, by a vote of 90 to 6, against sending terrorist detainees to U.S. soil—a vote that mirrored a vote 2 years ago on the same question. The Senate also expressed its view yesterday that Congress expects its relevant committees to be briefed on the threat posed by the terrorists at Guantanamo. So it is clear that Senate Democrats do not believe circumstances have changed over the last 2 years in such a way that would warrant releasing or transferring terrorists into America.

If the President believes circumstances have changed, then he has an opportunity to explain those changes this morning. The American people are asking the administration to guarantee that any terrorist it releases or transfers will not return to the battlefield. This is particularly urgent in light of a New York Times report this morning that says one in seven detainees already released has returned to terrorism. The President has an opportunity to reassure the American people that future releases will not lead to the same result. If he is not able to provide specifics about his plan for terrorist detainees at Guantanamo, he could still provide this assurance by simply revising his policy. The President has already shown adaptability on military commissions, on prisoner photos, on Iraq, on Afghanistan, and on Pakistan. Here is an opportunity to show more of that flexibility on Guantanamo.

ENERGY

Mr. MCCONNELL. Madam President, Americans have noticed a steady uptick in the price of gasoline over the past few weeks, and it is only going to get worse during the summer driving season. The economic downturn may have caused gas prices to fall from last summer's record highs, but as the economy recovers, $4 gasoline could well return and Americans will want answers.

Fortunately, many of us have been busy putting together a balanced, sensible solution that gets at the root of our energy crisis and addresses the concerns of everyone involved in this debate, including some who traditionally have been at odds. We believe it is possible to build a bridge to the clean energy future all of us want without introducing crippling taxes on consumers or on industry. So this morning, with Memorial Day fast approaching, I would like to briefly outline this balanced approach.

The first step is to admit we have a serious problem. Something must be done to reduce America's dependence on foreign oil. America uses more than a fifth of the world's supply of oil, much of it from countries that do not like us. If we start by using less, we will need a lot less from other countries. So conservation and increased efficiency are certainly necessary. It is something on which everyone can agree. We need to use less.

But conservation is only half the equation. Even as we use less energy, we need to produce more of our own. America sits on an ocean—a literal ocean—of untapped oil and natural gas and vast stores of coal and oil shale. Our geography also makes us rich in renewable energy sources such as wind, solar, and geothermal. Taken together, these resources are the perfect complement as we move toward the day when cars and factories can run on cleaner, more efficient fuels. But we have to be realistic about how far off that day is. We have to admit there is a gap between the clean renewable fuel we want and the reliable energy we need. So as we invest in technologies that will bring us cleaner, more efficient energy, the only way we can expect to truly reduce our dependence on foreign sources of oil is to produce more American energy and use less. This may sound like a simple proposal. The best solutions usually are. Unfortunately, the idea of finding more energy at home and using less is needlessly controversial because some are unwilling to admit that a gap exists between the energy we need now and the energy we want, and still others do not like a number of our proposals for finding more domestic energy.

Here is what we have proposed. We propose building 100 new clean nuclear energy plants as soon as possible. We propose offshore exploration for natural gas and oil. We propose making plug-in electric cars and trucks half of all new vehicles sold in 20 years. And we propose doubling research and development on energy to make all of this possible. These and other proposals, including the development of clean coal and coal-to-liquids technologies, constitute a balanced, comprehensive approach that would do all the things we need to reduce our dependence on foreign oil, help reduce our consumption, and build the bridge to a cleaner, more efficient energy future.

This approach would strengthen our economy by preserving jobs in existing industries even as we create new jobs by investing in new technologies. It would enhance our security by reducing our dependence on foreign suppliers. And it would help the environment by embracing the cleaner, more efficient energy sources of the future.

All of us recognize we should reduce the amount of energy we use. We also recognize the energy we use should be as clean as possible, as reliable as possible, and as inexpensive as possible. Our balanced approach of finding more American energy and using less would bring about all these things without hurting the economy or disrupting our lives or hindering security.

So as the summer driving season continues, Americans will be reminded, once again, that our Nation's energy crisis has not gone away. But the approach I have outlined addresses that crisis head-on. Republicans will continue to speak out about the produce-more, use-less model. We hope our friends on the other side recognize it is the only sensible approach to a crisis that must be addressed.

Madam President, I 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. PRYOR. Madam 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.

SIGNING AUTHORITY

Mr. PRYOR. Madam President, I ask unanimous consent that the majority leader be permitted to sign any duly enrolled bills and joint resolutions during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. I 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.

Mrs. HUTCHISON. Madam 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.

DEALERSHIP CLOSINGS

Mrs. HUTCHISON. Madam President, I wish to give sort of a progress report on the amendment I introduced yesterday and is pending still, but after cloture it will be in a different category, of course. I wish to say I have had a very productive opportunity to talk to the president of Chrysler and the people at Chrysler to try to make headway for the Chrysler dealers, the 789 that have gotten the notice they will be shut down as of June 9. I think there is a way forward here. It is not set in concrete, but I think there is going to be a result that I believe will make it a much better situation. That is what I am working for because these dealers right now are facing bankruptcy themselves—every one of them. We are talking about 40,000 employees in these dealerships. So as the Government is certainly backing the automobile companies and they are trying to have as soft a landing as possible for all those involved in this very serious situation we are in, I want the dealers to be part of the soft landing.

I don't think it is Government's position to go in and change the decisions that have been made by Chrysler, but I do think it is our responsibility to assure that those dealers have the ability to have some accommodation for all the inventory they have—the cars, the special equipment, the parts—that after June 9, they will not be able to use. They will not be able to sell a Chrysler car or use the Chrysler logo. Although General Motors has given notice to its dealers, they have given them until the end of 2010 to work things through. But Chrysler I think is trying to stay as strong as they can going into the merger that has been approved, so they want a quick ending, which we all understand and support. I do. I want Chrysler to emerge in a stronger situation. I think we all do. But I also want the dealers that are suffering all over this country right now, having had 3 weeks' notice to shut down, sometimes a dealership that has been in business for 90 years or 50 years or 25 years—we can't walk away from that. Chrysler can't walk away from that. I believe, from talking to the president today, they agree with that.

We are trying to get something definitive. I will report, again, on this. I am going to support cloture because we must provide the supplemental funds for our troops who are in harm's way. That is the premier purpose of this supplemental appropriation. I am very pleased this Senate has acted decisively to stop the funding for moving prisoners from Guantanamo Bay into our country or letting them go into other countries, where we fear we might see them again on the other side of an IED or some other disruption. I am very pleased with the action the Senate took yesterday on that. We must fund our troops who are in harm's way and their families and their quality of life, giving them the equipment and the training and the support they need to do their jobs.

At the same time, the reason I brought this amendment forward is because it, too, is an emergency. While it is not a taxpayer expense, it is a situation that I think is untenable and that is the people who are under the gun until June 9. My message is that I believe the Chrysler people are going to try to do the right thing. I believe the White House can help us make that happen. We are going to work with the White House and the task force. The Senators from Michigan, I think, are also being very proactive here. I wish to say I appreciate the cosponsors of my amendment. Senator MIKULSKI, on the floor last night, was added as a cosponsor, along with Senator MENENDEZ and Senator BROWN.

I ask unanimous consent, at this time, that Senator CASEY and Senator LAUTENBERG be added as cosponsors of amendment No. 1189.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. We were adding sponsors just about every few minutes as people began to see the plight of these dealers and hear from them.

My message is we need to vote for cloture. We need to go forward with this supplemental appropriation for our troops, but we must—we must—take care of these dealers in the best possible way and not leave them stranded in a situation which was not their doing. Yet they are paying the highest of all prices.

I thank the Chair, and I yield the floor.

Mr. COCHRAN. Madam President, I 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. CHAMBLISS. Madam 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.

ORDER OF PROCEDURE

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Senate amendment No. 1144 be considered in order postcloture in addition to the requirements under rule XVI, rule XXII, and the adoption of the Inouye amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Reserving the right to object, this amendment from my friend, Senator CHAMBLISS, would preclude the U.S. Attorney General from allowing detainees at Guantanamo to even be tried for crimes in the United States. I think it goes too far, and I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CHAMBLISS. Madam President, the assistant majority leader is exactly right. My amendment is going to prohibit any Guantanamo detainee from being brought to the United States. The assistant majority leader made a comment yesterday that he thought it was somewhat foolish on the part of the minority to think this President would even allow terrorists to be brought into the United States. The fact is, this administration is already proposing that some of the terrorists who are held at Guantanamo be brought into the United States and be freed because the court has determined that 17 Uyghurs ought to be free. The administration is talking about freeing those Uyghurs inside the United States.

The press reported this morning that President Obama intends to bring a Gitmo detainee, Ahmed Ghailani, to New York to be tried in our criminal courts. I fear this is the start of a long process of transferring detainees to the United States where, I believe, legal technicalities will ultimately allow some of them to be freed into the United States.

The Senate voted yesterday to prevent any detainees from being brought here and has been very outspoken on this issue this week. Despite this, the President has chosen to ignore the will of Congress and bring Ghailani to the United States. Instead, he is acting quickly to bring him here before he signs the supplemental bill into law.

I don't know how the President thinks he can try this detainee in our courts. Ghailani is not just any terrorist. He was a high-value detainee in the CIA's detention. Bringing him into a U.S. courtroom will open a floodgate to challenges on his detention, his treatment, and any evidence obtained from him.

Additionally, if we were able to obtain any evidence on Ghailani from any other terrorists, that information would likely not be admitted in U.S. courts because it would be considered hearsay. If not, the prosecution would be required to bring additional terrorists to New York just to testify in Ghailani's trial. This alone will make a conviction much more difficult.

There is too much at stake to grant the unprecedented benefit of our legal system's complex procedural safeguards to foreign nationals who were captured outside the United States during a time of war. Allowing these terrorists to escape conviction or, worse yet, to be freed into the United States by our courts because of legal technicalities would tarnish the reputation of our legal system as one that is fair and just.

Prohibiting the detainees from entering the United States, as my amendment does—the assistant majority leader is exactly right—is one small step in the right direction.

Further, if these individuals, such as Ghailani, were to be brought to the United States by President Obama to be tried in our article III courts and not convicted, the only mechanism available to our Government to continue to detain these individuals would be via immigration law. However, current immigration laws on our books are insufficient to ensure these detainees would be mandatorily detained and continue to be detained until they can successfully be removed from our borders.

Although I am adamantly opposed to bringing any of these detainees to the United States, and I do not believe the President has independent authority to do so, I do believe we need legislation to safeguard our citizens and our communities in the event they are brought here. To that end, my amendment makes mandatory the detention of any Gitmo detainees brought to the United States.

It is imperative the Senate consider my amendment before the final adoption of this supplemental bill.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Madam President, in response to my friend, the Senator from Georgia, he has obviously forgotten the name Zacarias Moussaoui. He was accused of being the 19th or 20th

hijacker on 9/11. He was successfully prosecuted in the courts of the United States. He has been convicted, is serving time in a prison of the United States, and we are not less safe because of it. Our system of justice worked.

The Senator from Georgia and many on his side of the aisle have no confidence in our system of justice. They do not want to even consider the possibility that people could be charged with a crime and successfully prosecuted here. We have proven otherwise.

There are 347 convicted terrorists now serving time in U.S. prisons. I have not heard a hue and cry from anyone saying let's get them all out of the country, because we know they are being safely and securely held.

America is not at risk. For the Senator to argue that once they are tried they have to be released as American citizens or in the general population defies logic. If these people are brought in for the purpose of trial and found not guilty, they are certainly not going to be allowed to stay in the United States. There is no requirement for that. There is no way they could ask for citizenship, having just been found not guilty, being a resident of another country. That is not even in the realm of possibility.

What the Senator is arguing is about a possibility that I think is farfetched, and he ignores the obvious. Madam President, 347 terrorists convicted in American courts are currently serving time in American prisons right now.

I might also add that at the end of the day, it will be the President of the United States who will propose what we do, and the President will make his recommendations soon. I am anxious to hear them. But for us to foreclose the possibility of bringing a detainee to justice for crimes committed, for acts of terrorism, by saying we would not consider ever trying them in the United States, what would we do with them? Hold them indefinitely without charges? Export them to some other country?

If they can be charged and prosecuted successfully in our courts, they should be. They should be held securely until they are resolved in court, and if they are resolved in a guilty fashion, they could be incarcerated as the other 347 terrorists in our prisons. If found not guilty, they can leave the country, as they should not be welcomed as citizens.

The President will be making an announcement today. I am anxious to hear it. For us to anticipate what that is and foreclose possibilities I don't think is a wise policy for keeping this country safe.

The bottom line is this President—no President—is going to release terrorists into Georgia, Mississippi, Illinois, or New York. It is not going to happen. Presidents accept their responsibility to keep our country safe, and to suggest otherwise I don't think is consistent with our experience.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, what the Senator from Illinois, who is a lawyer, neglects to mention is the fact that all 347 of the current incarcerated people who have been tried for terrorist acts were arrested under U.S. law. They were investigated by the FBI. They were prosecuted because they were arrested and investigated with that end in mind. Not one single one of those 347 individuals was arrested on the battlefield.

What the Senator is now proposing is that we take all 240 of the confined detainees at Gitmo and give them all of the rights that are guaranteed to every criminal who is investigated and arrested inside the United States as opposed to being arrested on the battlefield. That has never happened before in the history of the United States, and we have had an awful lot of captives on the battlefield.

For there to be any correlation between the 240 detainees at Guantanamo who are the meanest, nastiest killers in the world, getting up every day thinking of ways to kill and harm Americans, and to compare them to the 347 who are now confined after being arrested inside the United States is somewhat ludicrous.

Again, I regret the Senator is objecting to my amendment which would keep those 240 individuals at Guantanamo outside the United States and would ensure that forever and ever they could never be released into the United States. I simply regret he sees fit to object to it.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Madam President, I am not suggesting that the detainees at Guantanamo all be tried. I know of one, for example, who has been held for 7 years and was notified a year ago there are no charges against him. The question is where he will be sent. He still languishes in prison because of that. It would be unjust for us to continue to keep him in Guantanamo without any charges against him beyond 7 years. I don't think he needs to be tried. We need to find a safe place to put him once we are certain he is not going to engage in acts of terrorism.

This morning, President Obama is going to make a statement on this issue. The statement by the White House in advance of his speech at the National Archives—I think part of this press announcement bears repeating into the RECORD. It says:

The President also ordered a review of all pending cases at Guantanamo. In dealing with the situation, we do not have the luxury of starting from scratch. We are cleaning up something that is—quite frankly—a mess that has left in its wake a flood of legal challenges that we are forced to deal with on a constant basis and that consumes the time of government officials whose time would be better spent protecting the country. To take care of the remaining cases at Guantanamo Bay, the President will, when feasible, try those who have violated American criminal laws in Federal courts; when necessary, try those who violate the rules of war through military commissions; when possible, transfer to third countries those detainees who can be safely transferred.

President Obama is calling for an orderly, sensible review of cases at Guantanamo. For us to continue to keep voting on ways to foreclose the possibilities of bringing Guantanamo to a close in a responsible fashion I don't think is responsible conduct. I hope we will stop this and allow the President to show his leadership. He inherited this mess at Guantanamo. He is doing his best to find solutions in keeping with our values and keeping in mind his primary responsibility to keep us safe.

I yield the floor.

Mr. CHAMBLISS. Madam President, I simply close by saying the Senator is exactly right. There are military tribunals set up in Guantanamo today. In fact, those military tribunals had convicted three separate detainees, and the current administration, when they came into office, dropped the pending charges of twenty-some others awaiting trial, thus suspending the military commissions. These individuals can be tried by military tribunals at Guantanamo. They are in place and ready to go. I would simply urge that is the way these individuals need to be prosecuted and not to be brought to the United States and tried here.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2346, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Cornyn amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned.

Chambliss amendment No. 1144, to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

Isakson amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit.

Corker amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan.

Lieberman amendment No. 1156, to increase the authorized end strength for active-duty personnel of the Army.

Graham (for Lieberman) amendment No. 1157, to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after

September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

Kyl/Lieberman amendment No. 1147, to prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran.

Brown amendment No. 1161, to require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints.

McCain amendment No. 1188, to make available from funds appropriated by title XI an additional $42,500,000 for assistance for Georgia.

Lincoln amendment No. 1181, to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations.

Risch amendment No. 1143, to appropriate, with an offset, an additional $2,000,000,000 for National Guard and Reserve Equipment.

Kaufman modified amendment No. 1179, to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations.

Leahy/Kerry amendment No. 1191, to provide for consultation and reports to Congress regarding the International Monetary Fund.

Hutchison amendment No. 1189, to protect auto dealers.

Merkley/Whitehouse amendment No. 1185, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States-Iraq Status of Forces Agreement.

Merkley (for DeMint) amendment No. 1138, to strike the provisions relating to increased funding for the International Monetary Fund.

Bennet/Casey amendment No. 1167, to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

Reid amendment No. 1201 (to amendment No. 1167), to change the enactment date.

The ACTING PRESIDENT pro tempore. All time for debate has expired.

The Senator from Hawaii.

Mr. INOUYE. Madam President, I ask unanimous consent that the pending amendment be set aside, and to call up amendment No. 1162.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Mr. INOUYE. Madam President, I 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.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. 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. INOUYE. Madam President, I withdraw my earlier request.

The ACTING PRESIDENT pro tempore. The request is withdrawn.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2346, the Supplemental Appropriations Act of 2009.

Harry Reid, Christopher J. Dodd, Charles E. Schumer, Mark Begich, Mark L. Pryor, Richard Durbin, Patty Murray, Tom Harkin, Edward E. Kaufman, Claire McCaskill, Michael F. Bennet, Mark Udall, Jeanne Shaheen, Carl Levin, Jack Reed, Sheldon Whitehouse, Daniel K. Inouye.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2346, the Supplemental Appropriations Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?:

The yeas and nays resulted--yeas 94, nays 1, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—94

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Burris	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Thune
Coburn	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NAYS—1

Feingold

NOT VOTING—4

Byrd	Kennedy
Hatch	Rockefeller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that Senators BENNETT, BINGAMAN, and KERRY be added as cosponsors of amendment No. 1189.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add Senator KLOBUCHAR as a cosponsor of amendment No. 1189.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise today to express my support for the 2009 Supplemental Appropriations Act. My vote today does not indicate a blank check for the administration. But it is indicative of a strong desire on my part to begin to change to a new approach in Iraq and Afghanistan.

We all know about the challenges President Obama inherited from 8 long years of the Bush administration. He was left with an economy and recession, wars in Iraq and Afghanistan, diminished U.S. standing around the globe, a country more dependent on foreign oil, and a resurgent al-Qaida.

Today, we have a new administration with clear priorities and realistic foreign policy objectives. We must give President Obama and his administration the resources and flexibility they need to move U.S. foreign policy in a new direction. If we were to walk away from this change in policy that is reflected in this supplemental, I think the message we are sending is for the status quo. The status quo does not deserve a vote.

Again, I repeat, my vote is not a blank check. I am voting for this bill not because I want the United States to remain bogged down in two wars, but because I want to give this administration—the Obama administration—the resources it needs to successfully end these wars, starting with the war in Iraq. Furthermore, I don't support an open-ended commitment of American troops to Afghanistan; and if we do not see measurable progress, we must reconsider our engagement and strategy there.

In particular, we must do more to sharply reduce the numbers of heartbreaking civilian casualties. As ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, recently said:

> We cannot succeed in Afghanistan, or anywhere else . . . by killing Afghan civilians. . . .

In a reference to a U.S. airstrike in the Farah Province, Admiral Mullen said:

> We can't keep going through incidents like this and expect the strategy to work.

I could not agree more. President Obama promised the American people a new way forward in Iraq and a new way forward in Afghanistan. The passage of this bill will allow him to put the pieces in place to keep his promises by finishing the mission in Afghanistan, which was shortchanged because of the Iraq war. I want to talk about that for a minute.

I voted, after 9/11, to go after al-Qaida, to go after the Taliban, to go after Osama bin Laden. The administration, instead of doing that, turned around and went into Iraq under the false premise that Iraq had something to do with 9/11. We still have former Vice President Cheney out there trying to convince the people that was the right thing to do. That was the wrong thing to do. There have been so many needless deaths in Iraq. We left Afghanistan, and the Taliban returned in force; and the people there are under the yoke of the Taliban in many parts of that country. What a tragedy, because of a mistaken policy. What a terrible legacy, because of a mistaken policy. Yet the debate rages on. So I am going to engage in that debate.

I believe we need to tackle this mission in Afghanistan, which was shortchanged. I believe we must increase the role of the State Department and our civilian agencies in working toward peace. I know my colleague in the chair, Senator KAUFMAN, has been very eloquent on this point—a new way to allow the Afghan people to, in essence, take back their country. We need to train Afghan security forces so we can ultimately change the nature of our mission there and bring our troops home. That is the goal.

I have heard my Republican friends say they don't know what the goal is in Afghanistan. That is OK. I don't think there is any problem explaining what it is. We want to go after al-Qaida. We want to decrease the influence of the Taliban and defeat them, if we have to. Hopefully, we can, in fact, work with some of them. I am not convinced of that, but it may be possible. We need to give the Afghan security forces the ability to defend their own people.

There is a lot more we have to do over there to protect the most vulnerable Afghans, and that means the women and the children of Afghanistan. I will talk more about that because this supplemental takes a huge step forward in protecting the women and children there.

It seems to me we have to give President Obama an opportunity to bring about the change he promised. If I see that change is not coming, I am not going to be there. But today, I believe we should give him that chance.

To think that we actually had Osama bin Laden cornered at one time, but the obsession with Saddam Hussein drove us away in those Bush years from that mission and brought us into a situation where we have lost so many of our young men and women, many of them—30,000—were injured, some with horrific injuries, and many more are suffering from post-traumatic stress and brain injury.

President Bush took his eye off Afghanistan, and so did Vice President Cheney. Frankly, sadly, we come to this day. I understand why some colleagues might just say: I don't want to hear about it. I don't want to spend any more money on it. Just forget it.

I don't think that is the way to go. I think President Obama said very clearly that he is going to bring change. I think this is the day. We either stand for change or for the status quo. That is my belief.

In the Bush years we never really had enough resources to fight al-Qaida in Afghanistan because we were waging an open-ended war in Iraq. Remember, there were no benchmarks for progress. It was day after day, death after death after death. Frankly, because the Iraq war fueled recruitment by al-Qaida, our Nation's security has been compromised. Our standing in the world has suffered. Again, most heartbreaking, American servicemembers and their families have paid the price.

In my view, there are four provisions in the supplemental that will help to correct our course.

First, the bill provides funding to get our troops home from Iraq. These provisions are essential for President Obama to meet his date of August 31, 2010, to remove combat brigades from Iraq and remove all of our troops by the end of 2011.

For those of us who want to bring the troops home, the funding to do that is in this supplemental. So, clearly, when we vote for this, we vote to begin that process. The responsibility for security must be turned over to the Iraqis—and quickly. U.S. forces cannot continue to shoulder the burden there anymore. The people there have to decide if they want to live together or die together. They have to look at these ethnic divisions and make their own decisions. We will help. We will always help. But it is their decision.

So the first part of the bill is funding to begin bringing the troops home from Iraq.

Second, this bill seeks to turn things around in Afghanistan by providing a significant investment in diplomacy and development, including, very importantly to me and to a lot of my colleagues, for the Afghan women. A military solution alone will not solve the problems in Afghanistan. We need a strategy that helps the Government provide for its people and invest in the civil society and those programs that are crucial to the long-term security and prosperity of that country.

Development is very important to the people of Afghanistan. I am very proud that this bill takes critical steps to support Afghan women and girls. Today, more than 7 years after the international community helped free Afghan women from the prison of life under the Taliban, the situation for women in Afghanistan remains dire.

I want to say to Senator LEAHY and his staff: Thank you. Thank you for listening. Thank you for working with us. Thank you for working with the women-led nongovernmental organizations.

Without Senator LEAHY and his staff, we would not have this language in the bill. I wanted to make that point.

More than 80 percent of the women in Afghanistan are illiterate. More than one in six die in childbirth. These are the voices that have been forgotten. We cannot return to the days when Afghan women had to be draped in burqas against their will. If you have never tried on a burqa—and I am sure most people haven't—let me tell you what it feels like, because I did. You disappear. You become nothing. Remember when women were murdered in cold blood by the Taliban in soccer stadiums? Those days must be over.

It seems to me that walking away from this supplemental at this time says we are walking away from those women. We need to help them. We need to do everything we can to give them a chance because to not do so would be tragic.

This bill specifically appropriates $100 million for programs that directly address the needs of Afghan women and girls. In addition to Senator LEAHY and his staff, I thank Congresswoman NITA LOWEY and her staff. In the House bill, they also put in quite a few resources for the women-led NGOs. In our bill, we do even more to directly address the

needs of women and girls, including funding for the Afghan Human Rights Commission and Afghan Ministry of Women's Affairs.

I wrote a bill called the Afghan Women Empowerment Act. Specifically, the supplemental appropriates $30 million for Afghan women-led nongovernmental organizations, which is a key component of that bill. The international community cannot stay in Afghanistan indefinitely. We know that. So this funding will help empower those organizations that will provide for the needs of the Afghan community long after the international community has left.

The supplemental includes $10 million to train and support Afghan women investigators, police officers, prosecutors, and judges with responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

This is particularly important in a country where women have been so marginalized. No female victim of violence will ever come forward if she believes there is no system in place or resources to help her. What happens if she comes forward is that she becomes a target. I don't know how you feel about it—I think I can guess—when any of us sees little girls being attacked with acid when they are going to school. There is something deeply wrong if America turns away from that. We cannot, it seems to me, in good conscience not give this one more chance, which is what this supplemental is doing because it is taking a major step to give the Afghan people the chance to stand up for their women, children, and families.

Third, this bill recognizes the importance of Pakistan, a dysfunctional, nuclear-armed nation that has some of the most notorious al-Qaida terrorists within its borders. Pakistan is one of the greatest threats to international security that we face today. This danger is such a concern that Bruce Riedel, a Brookings Institution scholar who served as the coauthor of the President's review of our Afghanistan-Pakistan strategy, said that the country—this is Pakistan—''has more terrorists per square mile than any other place on Earth, and it has a nuclear weapons program that has grown faster than anyplace else on Earth.'' It seems to me to walk away from that threat is the wrong course. This bill provides funds for nonmilitary aid and counterinsurgency training to enable the Pakistani Government to defeat the growing extremist threat within its borders.

Fourth, this bill provides funding to help our servicemembers and their families deal with the wounds of war and to improve their quality of life. It provides funding to increase the number of soldiers and marines to help ease some of the burdens on servicemembers and families who have served three, four, and five deployments to combat zones. How can we walk away from giving those soldiers relief at this point when they have served three, four, and five times? We see some of the fallout on the mental health of our soldiers. We have seen some tragic things happen, including a soldier who actually turned on his own colleagues and killed them. We cannot have servicemembers under this amount of stress from three, four, five, or six deployments. Some of them can handle it. Not all of them can handle it. This bill will increase the number of soldiers and marines, so we can help ease the burden of those who have given and given.

This bill includes funding to keep our servicemembers safer, including funding for mine-resistant vehicles in Afghanistan to combat the dangers of roadside bombs. It helps ease the childcare needs of our military families by funding the construction of 25 child development centers to serve 5,000 children. It provides $230 million to complete construction of the Walter Reed National Military Medical Center, and it provides funds for the construction of nine warrior support facilities across the United States. Our soldiers need help. They cannot be expected to travel across the country to get medical care, either for physical wounds or mental wounds. We need to make sure we do this.

Finally, this bill provides funding for domestic programs that will safeguard our security. It includes $1.5 billion to prepare and respond to a global disease pandemic, such as the H1N1 influenza virus we are combating today. A lot of people say: Maybe you are overreacting. We just don't know because in other flu epidemics, we think we have conquered it, and then it comes back in a more virulent form. We need to vaccinate our citizenry. This is expensive and a must-do. I am very pleased it is in this bill. Just this week, two lives were lost in New York City to the virus. One victim was only an infant, and the other was an assistant principal of a school. Yes, we lose people to the flu every year. We know that. But we want to make sure we are not facing something for which we are unprepared. Better to be prepared, and this bill gives us the funds to prepare.

There is significant investment in shoring up our southwest border and also combating drug traffickers who operate there. We keep seeing horrific violence along the border. It is deplorable. The drug cartels must be stopped and the perpetrators brought to justice. That is also in this bill. This is an emergency spending bill.

It also includes $250 million for emergency firefighting activities. California has suffered devastating wildfires over the last few fire seasons. I know all of you have watched in horror at the recent wildfire in Santa Barbara. We know we are facing terrible challenges. We are facing warmer temperatures. We are facing more drought conditions. The funding will help ensure resources are on hand when they are needed.

I have to say that this bill should be a must-pass. I have to also reiterate that my vote indicates my support for a change in our foreign policy, a change in Iraq to bring this war to an end, a change to finally do what we have to do in Afghanistan so we do not walk out and walk away as we did before. The Taliban allowed al-Qaida to thrive, and we have to work in Afghanistan so that the people turn away from the Taliban toward something else that is positive. And we can provide that.

Strong diplomacy is in this bill. A change in policy is in this bill. It is our best opportunity to achieve these objectives. If it does not work, I will be the first one to stand up here and say so because, frankly, I believe too many of our brave soldiers have been put in harm's way.

I think this is the last use of a supplemental appropriation, according to the administration, to fund military operations in Iraq and Afghanistan. I welcome that. It says that our President is going to hold true to his commitment to an open and transparent government that is held accountable to the people. We are going to have these policies funded through the regular budget process. I understand why we need this now. To bring about the change in Iraq and Afghanistan, we cannot do it on the cheap. We have to do it right. I think President Obama's quote—and I am not quoting him exactly—was that we have to get out of there very carefully even though we did not get in there very carefully. That is what we are doing. We are getting out of Iraq carefully. We are doing it right. We are funding the way to do it right. We are helping our soldiers. And we are changing course in Afghanistan, first of all, by paying attention to it, going after al-Qaida, trying to make sure the Taliban is not an option people choose there, and being very strong in our help toward the women of Afghanistan.

I will be voting yes for all those reasons and watching closely.

Mr. President, I ask unanimous consent that for the next hour, this bill be open to debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield the floor, and 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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that upon the completion of my statement, Senator ISAKSON be recognized for 5 minutes, and then that Senator BROWN be recognized for 10 minutes. That will allow all of our statements to be completed prior to a unanimous consent agreement which will shortly be entered into.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent that no Budget Act points of order be in order to H.R. 2346, as amended; that at 1 p.m., Senator CORNYN be recognized for debate only for up to 40 minutes; that at the conclusion of Senator CORNYN's remarks, the time until 2 p.m. be equally divided and controlled between the leaders or their designees; that at 2 p.m. today, there be 40 minutes of debate with respect to the DeMint amendment No. 1138, with the time controlled as follows: 20 minutes under the control of Senator DEMINT, 10 minutes under the control of Senators GREGG and INOUYE or their designees; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment; that no intervening amendment be in order to the language proposed to be stricken by the DeMint amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, President Obama said in his campaign and has repeated it since the first days of his Presidency that we must keep our Nation safe and secure, but we have to do it in ways consistent with our values. That is a sentiment I share, and one that I have voiced in hearings and statements for years as well.

To President Obama's credit, to the benefit of the Nation, he has worked since his first day in office to turn these words into action to make our national security policy and our detainee policy consistent with American laws and American values. That, in turn, makes us more secure. I have supported President Obama in these steps, and I will continue to do so. That is why I have voted against amendments to withhold funding to close the Guantanamo detention facility, and to prohibit any Guantanamo detainees from being brought to the United States. These amendments undermine the good work the President is doing, and they make us less safe, not safer.

I believe strongly, as all Americans do, we have to take every step we can to prevent terrorism. Then we have to ensure severe punishment for those who do us harm. As a former prosecutor, I have never shied away from harsh sentences for those who commit atrocious acts. I point to the times I have requested and gotten for people I have prosecuted life sentences, life sentences that they served without the possibility of parole.

I also believe strongly we can ensure our safety and security and bring terrorists to justice in ways that are consistent with our laws and values. When we have strayed from that approach—when we have tortured people in our custody, or sent people to other countries to be tortured, or held people for years without even giving them a chance to go to court, to argue we were holding the wrong person, they are being held in error—we have hurt our national security immeasurably.

Our allies have been less willing to help our counterterrorism efforts, and that has made our military men and women more vulnerable and our country less safe. Terrorists have used our actions as a tool to recruit new members, which means then we have to fend off more enemies.

Worse still, we have lost our ability to respond with moral authority if other countries should mistreat American solders or civilians.

Guantanamo has become the symbol of the severe missteps our country took in recent years. Changing our interrogation policies to ban torture was an essential first step. But only by shutting the Guantanamo facility and restoring tough but fair procedures can we repair our image in the world. We have to do that if we hope to have a truly strong national security policy.

To close Guantanamo, we need our national security and our legal experts working hard to come up with a comprehensive plan for its closure. We should be funding those efforts. By cutting off that funding, we have hamstrung the President's initiative, and no matter what we intended to do, I believe we have made our Nation less safe.

Much debate has focused on keeping Guantanamo detainees out of the United States. In this debate, political rhetoric has entirely drowned out reason and reality. Our criminal justice system handles extremely dangerous criminals, and it has handled more than a few terrorists, and has done so safely and effectively. We try very dangerous people in our courts and we hold very dangerous people in our jails in Vermont and throughout the country. We have the best justice system in the world.

We have spent billions of dollars on our detention facilities, on our law enforcement, and our justice system. Are we going to say to the world, oh, my goodness gracious, we are not good enough to be able to handle criminal cases of this nature? I do not believe so.

We try those dangerous people and we hold those dangerous people in jails in Vermont and throughout our country. We are showing the world that we can do it. I know; I have put some of them there. We do it every day in ways that keep the American people safe and secure. I have absolute confidence we can continue to do it.

The Judiciary Committee has held several hearings on the issue of how to best handle detainees. Experts and judges from across the political spectrum have agreed that our courts and our justice system can handle this challenge. Indeed, it has handled it many times already.

What I am saying is, after all of those billions of dollars, after all of the superb men and women we have working in our justice system, after all that we spend on maximum security facilities, are we going to say to the world, America is not strong enough to try even the worst of criminals?

When we were hit with one of the worst terrorist attacks ever in this country, Oklahoma City, did we say we cannot try the people we have now captured? We cannot have them in a courtroom where it is secure, we will not be able to punish them? Of course not. We went ahead, and we also established for the rest of the world that we follow a system of justice in America. And having been horribly damaged in Oklahoma City, we followed our system of justice. The rest of the world looked at it, and they learned from us.

Let's not step back from that. Republican luminaries such as GEN Colin Powell have agreed with this idea. One Republican member of the Judiciary Committee, Senator GRAHAM, said, ''The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational.''

So let's let reality come in and overwhelm rhetoric. It is time to act on our principles and our constitutional system. Those whom we believe to be guilty of heinous crimes should be tried. They should be penalized severely, and our courts and our prisons are more than up to the task. Our courts and our prisons are more up to this task than those in any other country in the world. But we also could have people who are innocent or where we captured the wrong person. If so, they should be released.

There are going to be tough cases. Instead of cutting out the money the administration needs to dispose of those cases responsibly, knowing how tough they will be, we ought to be doing just the opposite and give them the resources they need.

Let's put aside heated, distorted rhetoric. Support the President in his efforts to truly make our country a safe and strong Republic worthy of the history and values that have always made America great.

I believed that when I was a young lawyer in private practice. I believed that when I was a prosecutor. I believe that even more today as a Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TRIBUTE TO BILL SHIPP

Mr. ISAKSON. Madam President, I know most Members on the floor remember a song of about 25 years ago called: ''The Night the Lights Went Out in Georgia.''

Well, on Tuesday of this week, a beacon of light in journalism did go out in Georgia, when Bill Shipp, a gifted political writer, announced his retirement after 50 years of reporting in the South.

Bill Shipp is a remarkable character. It is said that all of us are replaceable. I am not sure Bill Shipp is replaceable. He began his writing in Georgia as a political columnist for the Atlanta Constitution.

Starting in the late 50s, he covered the late Ivan Allen and the late Dr. Martin Luther King and the Governors

and the politicians of that era from George Wallace to Lester Maddox, to Jimmy Carter, to Carl Sanders.

He wrote about the transition of the old South to the new South. And in Washington, he covered the Civil Rights Act in the middle and late seventies. He was a writer whose perception was keen, whose wit was sharp, and whose pen was even sharper.

For 32 of his 50 years I was in elected office in Georgia. I can make a true confession: When he wrote a column, you went to the paper and you read Bill Shipp first. There was a reason for that. If you were going to be the victim of the day, you might as well go out and find out what he was going to say about you. But if you were not the victim of the day, you could relish in seeing some other politician being skewered by that pen.

Bill Shipp had a profound effect on journalism in our State. For years he reported for the Atlanta Journal and Constitution, but after a number of years he started his only publication whose title was: ''Bill Shipp's Georgia.'' Never has there been a more appropriate name for a newsletter, because, in many ways, Georgia's politics was Bill Shipp's possession.

Bill Shipp wrote about politics in such a way that he changed politics in the South. While I would never accuse Bill of having editorialized in a news article, the tone and tenor of the direction of Bill Shipp's perception of what was right and wrong could help to lead debates to a positive conclusion in an otherwise period of discourse and trouble.

I love Bill Shipp for many reasons—one, because he and I have had the pleasure of living in the same county for the last 40 years. The other is, I have learned a lot from him. I always appreciated him. In politics, Bill Shipp is the equivalent of Helen Thomas at a Presidential press conference. When a Georgia politician has a press conference, Bill Shipp is there. When it is time for questions, he always has one. And when it comes time to roll the grenade in the middle of the room, Bill Shipp will do it. He did it to me and to others.

Bill Shipp is a gifted friend, a man for whom I wish the best in his retirement. I think, finally, of those days on Ivy Grove and Cherokee Road in Marietta where he and Tom Watson Brown and George Berry would sit at 5 in the afternoon, have a libation, and discuss the next day's column that Bill would write. Bill Shipp is a treasured asset of our State, a man who has contributed greatly to the growth of the new South and the new Georgia, a man whose contributions to journalism are preeminent in our State, and a friend to whom I wish the very best in his retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

(The remarks of Mr. BROWN pertaining to the submission of S. Res. 156 are located in today's RECORD under ''Submitted Resolutions.'')

The Senator from Mississippi.

Mr. WICKER. I ask unanimous consent to speak as in morning business for up to 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAMUEL L. GRAVELY, JR., FIRST AFRICAN-AMERICAN U.S. NAVY FLAG OFFICER

Mr. WICKER. Madam President, this past weekend, at the Northrop-Grumman shipbuilding facility in Pascagoula, MS, the USS *Gravely*, the 57th *Arleigh Burke* class Aegis Guided Missile Destroyer, was christened in honor of the late VADM Samuel L. Gravely, Jr.

Vice Admiral Gravely was born in 1922, in Richmond, VA. In 1942, Gravely interrupted his education at Virginia Union University and enlisted in the U.S. Naval Reserve. He attended officer training camp at the University of California in Los Angeles after boot camp at the Great Lakes Naval Training Station in Illinois, and then midshipman school at Columbia University. When he boarded his first ship in May of 1945, he became its first African-American officer.

Gravely was the first African-American to command a fighting ship, the USS *Falgout*, and to command a major warship, the USS *Jouett*. As a full commander, he made naval history in 1966 as the first African-American commander to lead a ship, the USS *Taussig*, into direct offensive action. He was the first African-American to achieve flag rank and eventually vice admiral. In 1976, Gravely became the commander of the entire Third Fleet, commanding over 100 ships, 60,000 sailors, and overseeing more than 50 million square miles of ocean.

Gravely's tenure in the naval service was challenged with the difficulties of racial discrimination. As a new recruit, he was trained in a segregated unit; as an officer, he was barred from living in the bachelor's officers' quarters. In 1945, when his first ship reached its berth in Key West, FL, he was specifically forbidden entry into the officers club on the base. Gravely survived the indignities of racial prejudice and displayed unquestionable competence as a naval officer.

Gravely exemplified the highest standards and demanded very high standards from his crew. Throughout his career, he stressed the rudiments of professionalism—intelligence, appearance, seamanship and, most importantly, pride.

Vice Admiral Gravely was a trailblazer for African-Americans in the military arena. He fought for equal rights quietly but effectively, letting his actions and his military record speak for him. Gravely died on October 22, 2004, at the naval hospital in Bethesda, MD. In a fitting tribute, the obituary on the U.S. Department of Defense Web site quoted Gravely's formula for success: ''My formula is simply education plus motivation plus perseverance.''

Samuel L. Gravely, Jr.'s performance and leadership as an African-American naval officer demonstrated to America the value and strength of diversity. He was a true professional with superb skills as a seaman and admirable leadership attributes.

The USS *Gravely*, christened in Pascagoula, will reflect his character, his forthrightness, and his steadfastness and will stand for and deliver his legacy wherever it serves. His spirit aboard the USS *Gravely* will be an inspiration to its crew, the U.S. Navy, and Americans for generations to come.

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. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I understand there is a previous—let me ask unanimous consent that I be allowed to speak for up to 40 minutes.

The PRESIDING OFFICER. That is the standing order.

Mr. CORNYN. I appreciate it. Thank you very much, Mr. President.

AMENDMENT NO. 1139

Mr. President, I want to address the Senate on two subjects this afternoon—first of all, on the subject of various memos and interrogation techniques, notably enhanced interrogation techniques, that were carried out in response to Office of Legal Counsel memos that were written by lawyers there, designed to provide guidance to our CIA interrogators after 9/11 to help them protect the country against future terrorist attacks.

I have an amendment that, because of technical reasons, we will not be able to vote on this week. But I want to assure my colleagues this issue is not going away, and we will be back to talk about it more later. But I think it is of sufficient gravity and importance that I want to highlight it here for the next few minutes.

First of all, this amendment I am referring to is a sense-of-the-Senate amendment. Let me summarize what it does because I think it is important to put it in context.

The sense-of-the-Senate amendment reads as follows. It says:

> In the aftermath of the September 11, 2001 attacks, there was bipartisan consensus that preventing further terrorist attacks [against] the United States was the most urgent responsibility of the United States Government.
>
> A bipartisan joint investigation by the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives concluded that the September 11, 2001 attacks demonstrated that the intelligence community had not shown ''sufficient initiative in coming to grips with the new transnational threats''.

By mid-2002, the Central Intelligence Agency had several top al Qaeda leaders in custody.

The Central Intelligence Agency believed that some of these al Qaeda leaders knew the details of imminent plans for follow-on attacks against the United States.

The Central Intelligence Agency believed that certain enhanced interrogation techniques might produce the intelligence necessary to prevent another terrorist attack against the United States.

The Central Intelligence Agency sought legal guidance from the Office of Legal Counsel of the Department of Justice as to whether such enhanced interrogation techniques, including one that the United States military uses to train its own members in survival, evasion, resistance, and escape training, would comply with United States and international law if used against al Qaeda leaders reasonably believed to be planning imminent attacks against the United States.

This amendment further notes that:

The Office of Legal Counsel is the proper authority within the executive branch [of the Federal Government] for addressing difficult and novel legal questions, and providing legal advice to the executive branch in carrying out [its] official duties.

It further notes that:

Before mid-2002, no court in the United States had [ever] interpreted the phrases ''severe physical or mental pain or suffering'' and ''prolonged mental harm'' as used in sections 2340 and 2340A of title 18, the United States Code.

The legal questions posed by the Central Intelligence Agency and other executive branch officials were—

This amendment notes—

a matter of first impression, and in the words of the Office of Legal Counsel, ''substantial and difficult''.

The Office of Legal Counsel approved the use by the Central Intelligence Agency of certain enhanced interrogation techniques, with specific limitations, in seeking actionable intelligence from al Qaeda leaders.

The amendment further notes that:

The legal advice of the Office of Legal Counsel regarding interrogation policy was reviewed by a host of executive branch officials, including the Attorney General, the Counsel to the President, the Deputy Counsel to the President, the General Counsel of the Central Intelligence Agency, the General Counsel of the National Security Council, the legal advisor of the Attorney General, the head of the Criminal Division of the Department of Justice, and the Counsel to the Vice President [of the United States].

Further, the amendment notes that:

The majority and minority leaders in both Houses of Congress,—

Both in the Senate and in the House, as well as—

the Speaker of the House of Representatives, and the chairmen and [ranking members] of [both] the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives received classified briefings on [both the proposed techniques and the Office of Legal Counsel advice] as early as September 4, 2002.

The amendment further notes that:

Porter Goss, then-chairman of the Permanent Select Committee on Intelligence of the House of Representatives, recalls that he and then-ranking member Nancy Pelosi ''understood what the CIA was doing'' [and] ''gave the CIA our bipartisan support'' [and] ''gave the CIA funding to carry out its activities'', and ''On a bipartisan basis . . . asked if the CIA needed more support from Congress to carry out its mission against al Qaeda''.

The amendment further notes that:

No member of Congress briefed on the legal analysis of the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency in 2002 objected to the legality of the enhanced interrogation techniques, including ''waterboarding'', approved in legal opinions of the Office of Legal Counsel.

The amendment further notes that:

Using all lawful means to secure actionable intelligence based on the legal guidance of the Office of Legal Counsel [of the Department of Justice] provides national leaders a means to detect, deter, and defeat further terrorist [attacks] against the United States [of America].

The amendment further notes that:

The enhanced interrogation techniques approved by the Office of Legal Counsel have, in fact, accomplished the goal of providing intelligence necessary to defeating additional terrorist attacks against the United States.

It further notes that:

Congress has previously established a defense for persons who engaged in operational practices in the war on terror in good faith reliance on advice of counsel that [such] practices were lawful.

This amendment further notes that:

The Senate stands ready to work [on a bipartisan basis] with the Obama Administration to ensure that leaders of the Armed Forces of the United States and the intelligence community continue to have the resources and tools required to prevent additional terrorist attacks on the United States.

This amendment concludes with this finding or sense of the Senate:

It is the sense of the Senate that no person who provided input into the legal opinions by the Office of Legal Counsel of the Department of Justice analyzing the legality of the enhanced interrogation program, nor any person who relied in good faith on [that legal advice], nor any member of Congress who was briefed on the enhanced interrogation program and did not object to the program going forward should be prosecuted or otherwise sanctioned.

This is the amendment I sought to offer that for technical reasons is not going to be voted on now. But, I assure my colleagues, we will revisit this at a later date.

I want to take issue with some of the comments by my distinguished colleague from Illinois, the majority whip, who I believe—it was yesterday, or maybe the day before—said there was no basis for my assertion that there was actionable intelligence gained from the so-called enhanced interrogation techniques, and questioned what my source was.

I would remind the distinguished Senator from Illinois that the source is President Obama's Director of National Intelligence, Dennis Blair, who wrote, on April 16, 2009, that ''high-value information came from interrogations in which these methods were used, and provided a deeper understanding of the al Qaeda organization that was attacking this country.''

Mr. President, I ask unanimous consent that the letter in which the Director of National Intelligence made those statements be printed in the RECORD following my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Nor was this special information available to only a few. The New York Times reported it on April 21, under the headline ''Banned Techniques Yielded 'High-Value information', Memo Says.'' That is a story in the New York Times which basically recounts what the Director of National Intelligence said.

I would remind my distinguished colleague from Illinois that it is, in fact, the Director of National Intelligence for President Obama who has affirmed not just the need but the usefulness of the information and intelligence derived from these enhanced interrogation techniques that were approved by the legal authority for the executive branch of the Federal Government, the Office of Legal Counsel.

My colleague from Illinois, Senator DURBIN, argues that we need to allow prosecutors to follow the facts and the law wherever they may lead—certainly, a relatively harmless assertion; one I would generally agree with. But here, we know enough about the facts and the law to know there is no evidence that anyone acted with the intent required to prosecute under the law. I won't bore the Senate with an analysis of what the criminal law requires in this context, but I would say that the facts, as we know them, are to give our public servants the benefit of the doubt. As detailed in the Office of Legal Counsel memoranda, significant efforts were made to minimize significant harm that could arise from these techniques. Who could question the desire of both the intelligence community as well as the Department of Justice and the leaders responsible for protecting our national security—who could question the good-faith need to get information that would actually help prevent follow-on terrorist attacks?

We know al-Qaida, on September 11, 2001, used crude weapons to attack our country. Yet they were able to kill 3,000 Americans, roughly. Our intelligence community and our national leadership knew al-Qaida was not satisfied with such primitive weapons but, indeed, was seeking biological, chemical or nuclear weapons. We know how important it was for our intelligence officials to get the information they needed. We know the lawyers at the Office of Legal Counsel who rendered this legal advice were doing what they thought was their responsibility in good faith. Indeed, the Members of Congress who had the responsibility to perform congressional oversight on these activities, I believe, demonstrated their good-faith desire to do what was necessary to protect our country. I believe we know enough to

say these people—all of them—acted in good faith.

It has been suggested the standard we apply is whether the advice fell within the range of legitimate analysis and within the range of reasonable disagreement common to legal analysis of important statutory and constitutional questions. I believe that has been demonstrated, and but for this technical objection to the amendment, I am confident we would receive an overwhelming bipartisan vote of support for this sense-of-the-Senate resolution.

The distinguished Senator from Illinois, Senator DURBIN, says we should allow prosecutors and the Department of Justice to decide whether to bring a case against these officials: The intelligence community, the lawyers who drafted the legal advice, and perhaps even the Members of Congress who acquiesced and facilitated these enhanced interrogation techniques following a classified briefing. But I would suggest there is no case to be brought against these individuals. Any prosecution that arises out of this interrogation program would clearly be based upon politics and not on the law.

I would submit the amendment I have offered—and that I described and which I will reoffer again at an appropriate time—is a call for reasonableness and national unity. The calls for prosecution of good-faith patriots has simply gone too far. When bloggers and others—not to single out bloggers but even Members of this body—have suggested that we somehow need a truth commission and have suggested that prosecutions might be the appropriate outcome, when they are suggesting that prosecutions under these circumstances occur, then I think our political environment has changed in a dangerous way and one which will certainly chill our intelligence officials in gathering actual intelligence necessary to keep us safe and certainly discourage patriots who want to serve and who are willing to serve in Government. When policy differences become criminalized in ways that some have suggested, it is not helpful to our country. Indeed, I think it is dangerous to our national security.

We know there is an unfortunate history of hysterias, panics, and mob rule from time to time that occurs, whether it is from Salem through the McCarthy era. When justice is steered by passion and politics rather than by reason and the rule of law, it is not worthy of the name ''justice.'' Once you stir up an angry mob, we know it is unpredictable where that mob might lead or who might get caught up in the mob's action. But we know already too many patriotic Americans have been targeted by the present hysteria. This amendment calls for an end to the hysteria and a return to reason, civility, national unity, and the rule of law.

EXHIBIT 1

DIRECTOR OF
NATIONAL INTELLIGENCE,
Washington, DC, April 16, 2009.

DEAR COLLEAGUES: Today is a difficult one for those of us who serve the country in its intelligence services. An article on the front page of The New York Times claims that the National Security Agency has been collecting information that violates the privacy and civil liberties of American citizens. The release of documents from the Department of Justice's Office of Legal Counsel (OLC) spells out in detail harsh interrogation techniques used by CIA officers on suspected al Qa'ida terrorists.

As the leader of the Intelligence Community, I am trying to put these issues into perspective. We cannot undo the events of the past; we must understand them and turn this understanding to advantage as we move into the future.

It is important to remember the context of these past events. All of us remember the horror of 9/11. For months afterwards we did not have a clear understanding of the enemy we were dealing with, and our every effort was focused on preventing further attacks that would kill more Americans. It was during these months that the CIA was struggling to obtain critical information from captured al Qa'ida leaders, and requested permission to use harsher interrogation methods. The OLC memos make clear that senior legal officials judged the harsher methods to be legal, and that senior policymakers authorized their use. High value information came from interrogations in which those methods were used and provided a deeper understanding of the al Qa'ida organization that was attacking this country. As the OLC memos demonstrate, from 2002 through 2006 when the use of these techniques ended, the leadership of the CIA repeatedly reported their activities both to Executive Branch policymakers and to members of Congress, and received permission to continue to use the techniques.

Those methods, read on a bright, sunny, safe day in April 2009, appear graphic and disturbing. As the President has made clear, and as both CIA Director Panetta and I have stated, we will not use those techniques in the future. I like to think I would not have approved those methods in the past, but I do not fault those who made the decisions at that time, and I will absolutely defend those who carried out the interrogations within the orders they were given.

Even in 2009 there are organizations plotting to kill Americans using terror tactics, and although the memories of 9/11 are becoming more distant, we in the intelligence services must stop them. One of our most effective tools in discovering groups planning to attack us are their communications, and it is the job of the NSA to intercept them. The NSA does this vital work under legislation that was passed by the Congress. The NSA actions are subject to oversight by my office and by the Justice Department under court-approved safeguards; when the intercepts are conducted against Americans, it is with individual court orders. Under these authorities the officers of the National Security Agency collect large amounts of international telecommunications, and under strict rules review and analyze some of them. These intercepts have played a vital role in many successes we have had in thwarting terrorist attacks since 9/11.

On occasion. NSA has made mistakes and intercepted the wrong communications. The numbers of these mistakes are very small in terms of our overall collection efforts, but each one is investigated, Congress and the courts are notified, corrective measures are taken, and improvements are put in place to prevent reoccurrences.

As a young Navy officer during the Vietnam years, I experienced public scorn for those of us who served in the Armed Forces during an unpopular war. Challenging and debating the wisdom and policies linked to wars and warfighting is important and legitimate; however, disrespect for those who serve honorably within legal guidelines is not. I remember well the pain of those of us who served our country even when the policies we were carrying out were unpopular or could be second-guessed.

We in the Intelligence Community should not be subjected to similar pain. Let the debate focus on the law and our national security. Let us be thankful that we have public servants who seek to do the difficult work of protecting our country under the explicit assurance that their actions are both necessary and legal.

There will almost certainly be more media articles about the actions of intelligence agencies in the past, and as we do our vital work of protecting the country we will make mistakes that will also be reported. What we must do is make it absolutely clear to the American people that our ethos is to act legally, in as transparent a manner as we can, and in a way that they would be proud of if we could tell them the full story,

It is my job, and the job of our national leaders, to ensure that the work done by the Intelligence Community is appreciated and supported. You can be assured the President knows this and is supporting us. It is your responsibility to continue the difficult, often dangerous and vital work you are doing every day.

Sincerely,

DENNIS C. BLAIR.

Mr. CORNYN. Mr. President, I am going to turn to another subject, but may I inquire how much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. CORNYN. I assure the Chair I will not use all that time.

HEALTH CARE REFORM

Mr. President, I wish to discuss another very serious challenge in our country and that is how to reform our broken health care system to serve the needs of the American people and to help bring down the costs of health care, which now prices many people out of the market and contributes to the too large number of Americans who don't have health insurance.

I am a relatively new member of the Senate Finance Committee, and under the leadership of Senator BAUCUS and Senator GRASSLEY, we have been discussing our various policy options for some time. There has been some discussion on the floor about the subject. Indeed, my colleagues from Oklahoma and North Carolina, Senator BURR and Dr. COBURN, have introduced a bill which they believe addresses the need for health care reform in a significant way.

On Monday, I am going to return to my State of Texas and travel around the State to basically talk about commonsense solutions to this health care crisis. Last Monday, I spent some time in Houston, TX, with the Houston Wellness Association and others concerned about how we can spend more of

our energy and effort on keeping people healthy and preventing disease which will, of course, avoid unnecessary human suffering but also help us contain the too high price of health care.

We know what is at stake in the health care reform debate. I believe my constituents in Texas—and I believe the American people, generally—don't want to be served up a fait accompli in Washington. They don't want to wake in July or August and find that Congress has taken a blank sheet of paper and basically deprived them of the opportunity to keep the health care they presently have and instead present them with something else which they don't want and which does not promise to make health care more accessible but, rather, will make it more expensive and less accessible. I know my constituents in Texas don't want elites in Washington to make decisions for them. They want to be informed about the debate, and they want to then discuss with me and their other elected representatives what they want—not what is dictated to them from Washington inside the beltway.

Whether you are putting together a family budget or a business plan, we all see the same problem, and that is the rising cost of health care. We know health care costs have risen faster than inflation in both good times and bad times. Health care costs, we know, force many self-employed workers and small businesses into the ranks of the uninsured. We also know that health care costs in America are twice as much per capita than they are in most of the developed world. In fact, we spend roughly 17 percent of our gross domestic product on health care. I believe the next highest country to us is Japan, an industrialized country, which spends roughly 9 percent of GDP.

But we also know there are a lot of hidden costs—there are not just the obvious costs—on families and businesses. These hidden costs show up in smaller paychecks for working men and women all across this country. All things being equal, one would think that rising productivity of the American worker would lead to higher wages, but instead, for many workers, more compensation takes the form of higher health care premiums, when they could be receiving greater compensation in terms of wages that they could then spend on other purposes. But because of rising deductibles, copays, and the rising costs, we see rising health care costs actually squeeze worker pay in America such that, in many instances, that pay is stagnant, if not declining.

Hidden costs also show up in the $36 trillion of unfunded liabilities in the Medicare Program, as well as other entitlements. Our people are concerned about the hidden costs of all the borrowing we are doing in Washington and the unprecedented spending. Nearly 50 cents on every dollar spent in Washington is borrowed, leaving the fiscal responsibility for our children and grandchildren and not taking it upon ourselves.

In fact, as we know, the Federal deficit in 2009 will be nearly as large as the entire Federal budget was in 2001. Let me say that again. This is staggering. The Federal deficit in 2009 will be nearly as large as the entire Federal budget in 2001. As the distinguished occupant of the chair, who is the former chief executive of his State, the Commonwealth of Virginia, knows, that kind of growth cannot be sustained indefinitely. Indeed, we are cruising for a disaster when it comes to unrestrained health care costs, both for individuals and for small businesses but also for the Government when it comes to entitlement spending.

I agree with what President Obama said last week. He said our current deficit spending is unsustainable. I agree with that. He said we are mortgaging our children's future with more and more debt. I think all Americans agree with what President Obama said, but we have yet to see the hard decisions that would lead us back to a path of fiscal discipline. It is the contrary: more spending, more borrowing, with no fiscal discipline. As we look at health care reform, our people want solutions that will lower the costs of health care, without increasing the debt, without raising taxes, and without reducing quality or access to care.

I have heard a lot of discussions in the context of the Finance Committee, talking about what options are available to the Congress in dealing with this health care crisis and, honestly, most of them deal with how we can empower the Government to make more and more decisions on behalf of patients. I think that is the opposite direction from which we ought to go to approach this problem. We ought to look at what puts patients back in charge; what gives individuals the power to consult with their own private physician and make a decision; what is in the best interests of themselves and their family when it comes to health care. Let's not put barriers in the way of that sacred relationship between a patient and a doctor, and for sure let's not use rationing—denying and delaying access to care—as government-run programs abroad use in order to control costs.

Let's put patients back in charge. That ought to be our battle cry as we approach this current crisis.

Patients should have more control, not less control, over their own health care. One way we can do that is giving them more and better information on cost and quality of their care. How in the world can we have an effective market for health care, which will provide lower costs, if, in fact, patients are denied access to information about cost and outcomes? They not only want to know how much it is going to cost them; they want to make sure it is a good, quality service, and we ought to be in the business of providing them that information. We ought to be insisting, as their elected representatives, that we have access to that information in deciding how to spend their money in entitlement programs such as Medicare and Medicaid. Patients should also, I believe, have a choice of providers who compete for their business. We know that competition produces higher quality, better service, and a lower price. We can see that across the board. When the market helps discipline spending, it improves quality and lowers price. We can do that in health care by empowering individuals and giving them more access to information, greater transparency, quality, and price, making them better informed consumers.

We also know our tax and our legal system need reform so all Americans are treated fairly. We have to end the cost shifting that now goes with too low reimbursement rates for Medicare and Medicaid, which means it is harder and harder for an individual to find a doctor who will actually accept those submarket rates to care for them.

I was in Dallas a couple years ago. I was in an emergency room at a hospital, while touring the hospital, and there was this wonderful woman who came into the emergency room and someone asked her what she wanted. She said: I need my prescriptions refilled—in the emergency room at a hospital in Dallas. She couldn't find a doctor who would accept her as a new Medicare patient, so the only place she knew where to go was to the emergency room to get a prescription, to refill her medications. That is incredibly inefficient and an incredibly costly way to deliver health care. We have to find a way to do it better.

Right now we know that for private health insurance, the costs are shifted in order for health care providers to provide care to everybody. That cost shifting results in higher premiums, smaller paychecks, tax increases, and more public debt, and we ought to attack it head-on.

We also know from experience that putting patients in charge can lower health care costs. At the Federal level, believe it or not, we actually have a Federal program that, contrary to intuition and some people's skepticism, actually demonstrates this.

This is a success of Medicare Part D, the prescription drug program. Medicare Part D gives seniors choices among entirely private plans, with no government-run plan at all, no ''public option'' at all. As a result of the successes of Medicare Part D, seniors have seen program costs that are 37 percent less than anticipated, and more than 80 percent of seniors are satisfied with the program.

I think this example proves the point I was making earlier—that greater access to information about quality and cost gives people more choices, creates competition in a market that disciplines cost, and ultimately brings down those costs and increases satisfaction.

At the State level, good ideas for Medicaid reform have come from Florida, South Carolina, Indiana, and other States. These programs have given some of the lowest income Americans more choices and more control over the dollars spent on their behalf. Again, costs are lower and participants are generally satisfied with these programs.

The private sector has some very good ideas as well. Steve Burd, of Safeway, has talked to many of us on both sides of the aisle about their successful experimenting with health care costs at their company by providing financial incentives to quit smoking, lose weight, exercise, control blood pressure and cholesterol, and get the appropriate diagnostic tests at a reasonable price.

There is also another successful program, and I am going to meet with executives and employees at Whole Foods, which is located in Austin, TX, where I live. Whole Foods has conducted a successful experiment with high-deductible insurance plans with personal wellness accounts that each employee controls. Whole Foods has seen fewer medical claims, lower prescription drug claims, and fewer hospital admissions through this program.

So why in the world would we want to dictate a single-payer system out of Washington for 300 million people when we have seen successful experiments and innovation across the country that we can learn from and adopt to empower patients and consumers, not Washington bureaucrats? Some, though, in Washington have simply given up on the private sector when it comes to delivering health care needs. They want to shift more power and control to the Federal Government. I think that is a terrible mistake.

We have heard ideas about how to increase spending to pay for more Government control, at a time when we already spend 17 percent of the GDP on health care—again, nearly twice as much as our next closest competitor in an industrialized nation, Japan—17 percent in the United States compared to 9 percent in Japan, and other countries are far lower.

Raising taxes is simply a terrible idea, especially during a recession. Raising taxes would also break the President's pledge he made in the campaign last year when he assured Americans that no family making less than $250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes. But we can help the President keep his pledge—not help him break it—by empowering patients and consumers, ordinary Americans, to make their decisions and not empower bigger and bigger government to take those decisions away from them and dictate them.

In the Finance Committee, we have heard a number of proposals that may improve care but are not going to contain costs—at least according to the CBO. These proposals include what I would consider to be commonsense approaches that I think are good, such as more health care technology and prevention initiatives. We have even seen a number of interest groups, provider groups, appear with the President last week, pledging they would cut the growth of health care costs, over the next 10 years, $2 trillion. That all sounds good until you start looking at it and realize there is actually no enforcement mechanism at all. It is a meaningless pledge, and there is going to continue to be upward pressure on health care costs across the board unless we do something about it.

Only in Washington, DC, would people embrace the notion that to save money, you have to spend more money. It is not just counterintuitive, it is unproven. I don't think there is any justification for that suspicion. If there is, I would just love to see it. I don't think we ought to take as a matter of blind faith that by spending over a trillion dollars more of tax money on top of the 17 percent of GDP we are already spending now, that somehow miraculously, with the wave of a wand, by suspending our powers of disbelief, we are going to bend the curve on the growth of health care costs, which are bankrupting the country when it comes to Medicare and putting health insurance and health care out of the reach of many hard-working Americans.

We have heard about some interesting ideas, such as comparative effectiveness research, which sounds good at first blush. In the stimulus plan, the Federal Government spent, or pledged, more than a million dollars on that. It sounds pretty good. Let's finds out what works. Well, I am concerned that the Government will use this research to delay treatment and deny care. The way the Government contains health care costs is by rationing, pure and simple. That is what happens in Medicare. I mentioned the woman in Dallas who couldn't find a doctor to accept her as a new Medicare patient. It is because the Government reimburses at such a low rate. So we have a promise of coverage, which everybody applauds, but it denies people access because the Government denies and delays care by using rationing as a way to control costs. We don't need that. Certainly, we don't need that, based on the ''cookbook'' medicine prescribed by Government bureaucrats, who will say: We will pay for this procedure but not that other procedure because it is not in our ''cookbook.'' Last week, Medicare refused to pay for less-invasive colonoscopy procedures. I don't think the American people are crying out for more Government control of their health care decisions based on cost-based decisions. That is what they would get if the proponents of the so-called public plan get their way.

Again, I don't know who it is in Washington, DC—there must be a little group, a cabal of individuals sitting behind closed doors, that tries to think up innocuous names, such as ''public plan,'' for some really scary stuff. A ''public plan'' is simply a Washington takeover of health care; it is plain and simple. It is not an option. In the end, it will be the only place you can go under a single-payer system.

We should take this pledge, too, Mr. President. We should guarantee that Americans who currently have health insurance that they like ought to be able to keep it—that is about 85 percent—as we look for ways to increase access for people who don't have health insurance. One think tank that looked at this so-called public plan—or Washington takeover of health care, which would drive all private competitors out of the market by undercutting them—estimated that 119 million Americans will lose their private health insurance if this Washington takeover, under the title of ''public plan,'' is embraced.

We know the Federal Government is not a fair competitor. While it serves also as a regulator and a funder, the Federal Government says: Take it or leave it. It is price fixing. Nobody else can compete with the Federal Government. The public plan, so-called, would simply shift cost to taxpayers and subsidize inefficiency, as Medicare and Medicaid do today. They are broken systems that we don't need to emulate by making Medicare for all. Why would we emulate Medicare when it is broken and on an unsustainable financial path? We need new ideas and innovations that put the people in charge and will help bring down costs. Greater transparency, more choices, and market forces will increase satisfaction while bringing down costs.

There is another scary concept out there that is called a ''pay or play'' mandate for employers. When I talk to small businesses in Texas, they tell me one of their most difficult decisions is how do they provide health care for their employees in small businesses? It is hard to get affordable health insurance. Some in Washington are proposing taking this to what I would call a ''mandate on steroids.'' Basically, it would say that if a small business doesn't provide health insurance coverage for its employees, it is going to have to pay a punitive tax. That is why they call it ''pay or play.'' New mandates on job creators would do nothing but head us in the wrong direction during a recession, where we are fighting the best we can in the private sector to create new jobs and retain the ones we have. We know the costs of this ''pay or play'' mandate are going to ultimately be passed down to the workers in the form of lower wages, just as they are today under a broken system.

I have heard good ideas about health care reform. I hope we will have a robust debate about the options available to the American people to fix this broken system. I have to tell you that many proposals out there that seem to be gathering momentum are deeply troubling. As I have said, I believe the

best way to approach health care reform—indeed, governance generally—is from the bottom up, not the top down.

We need to take our time and get this right and not, in our haste, produce a bad bill that will even deny people the choices and coverage they have now. We need to listen to the people who are running small businesses and raising families across this country. That is what I plan to do in Texas next week. I hope my colleagues will take advantage of the next week's recess to do likewise.

This is too important to get done wrong. Let's take our time and listen to the stakeholders and people who will suffer the negative consequences if we get it wrong, and let's work together with President Obama and the administration to try to get it right.

I thank the Chair. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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. 1189

Mrs. HUTCHISON. Mr. President, I now have 20 cosponsors of amendment No. 1189. I ask unanimous consent to add Senator KLOBUCHAR, Senator CARDIN, Senator BEN NELSON, Senator BROWNBACK, Senator ROBERTS, Senator GRASSLEY, Senator BURR, Senator JOHANNS, and Senator SCHUMER as cosponsors of amendment No. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I add these cosponsors because more and more of our Senators are learning what has happened to these dealerships that have been notified by Chrysler that they have 3 weeks to completely dissolve a business that has been part of a community for 20 years, 30 years, up to 90 years. The oldest car dealership in Texas is 90 years old—a grandfather, father, and now a son running that car dealership. They were noticed 3 weeks from May 14 that dealership will be closed.

Just to give a view of what the dealers received on May 14 and why these 789 who received this notice are so concerned is because the letter they were sent says:

As a result of its recent bankruptcy filing, Chrysler is unable to repurchase your new vehicle inventory. As a result of the recent bankruptcy filing, Chrysler is unable to purchase your Mopar parts inventory. And furthermore, as a result of the bankruptcy filing, Chrysler is unable to purchase your essential special tools.

After 90 years of operating a Chrysler dealership, a company is now told they will have no ability after 3 weeks to sell a Chrysler automobile, nor will there be a guarantee for repurchase.

What my amendment does, which now has 20 very bipartisan cosponsors, is to say: Give these dealers 3 more weeks. Give them 3 more weeks to have an orderly transition out of a company. There are estimated to be 40,000 employees of these Chrysler dealerships who received 3 weeks' notice—40,000. We are dealing with so many issues in these auto manufacturer closings, the bankruptcies. We all want the auto manufacturers to stay in business. We do. The Government is making a huge investment in that hope. But the group that is getting nothing right now is the dealers.

The dealers also are the group that has done nothing that caused this problem in the first place. They did not design the cars, they did not manufacture the cars, but they did buy them. There is no cost to the company that manufactures because these dealerships have purchased these cars. They have purchased the parts. They have purchased the special tools to do the repairs. Yet now they are being told they cannot sell, they cannot repair and, oh, by the way: We are not going to guarantee you will have your parts and inventory bought. This is just not right. That is why there are 20 cosponsors to this amendment, and it is growing by the hour.

I submit for the RECORD a letter that Senator ROCKEFELLER wrote to the chief executive officer, Robert Nardelli, in which he, too, is protesting the egregious timeframe and terms of these franchise terminations which he said ''seem unprecedented to me.''

As you know, most auto dealers have a few months of inventory of new vehicles on their lots, though some may have up to 6-months' worth. This means if the dealers stopped adding cars to their inventories last week when GM and Chrysler announced their decisions, they would still be able to sell cars for 6 months before they run out.

But Chrysler is saying they will not buy back this inventory or even parts and instead has arranged for the remaining dealers to buy the unsold cars from dealers set to lose their franchises. But there is no guarantee of that. Right now it is just a hope.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, May 20, 2009.

ROBERT NARDELLI,
Chief Executive Officer, Chrysler LLC, Auburn Hills, MI.

FRITZ HENDERSON,
Chief Executive Officer, General Motors Corporation, Detroit, MI.

DEAR MR. NARDELLI AND MR. HENDERSON: I am writing to express my deep concern with Chrysler's and General Motors' (GM) recent announcements to terminate franchise agreements with 789 and roughly 1,100, respectively, automobile dealerships across this country and to urge both of you to reconsider these decisions. It is my belief that we must work to keep as many of these businesses open as possible, and at the very least assist these dealerships, the employees, and their loyal customers transition as we move forward in this process.

Between Chrysler and GM, it appears that approximately 100,000 jobs nationally are at risk as a result of the dealership closings. In West Virginia, 17 of 24 Chrysler dealerships have been told their franchises will end on June 9, 2009, while a publicly undisclosed number of GM franchises were notified that their agreements will stop in October 2010. This puts hundreds, if not thousands, of employees' jobs at risk and will have a crippling impact on local communities across the State as less tax revenue will likely translate into cuts in important and much needed government services, especially during these challenging economic times.

The egregious timeframe and terms of these franchise terminations seem unprecedented to me. As you both know, most auto dealers have a few months of inventory of new vehicles on their lots, though some may have up to six-months worth. This means if the dealers stopped adding cars to their inventories last week when GM and Chrysler announced their decisions, they would still be able to sell cars for six months before they run out. From what I have been told, Chrysler will not buy back this inventory of vehicles or even parts and instead has arranged for the remaining dealers to buy the unsold cars from dealers set to lose their franchises. So come June 10th, terminated dealers will only be able to sell that inventory to remaining dealers, likely at substantial losses since they may well have backlogs of inventory themselves. While GM has at this point agreed to allow its terminated dealers to continue to sell vehicles until October 2010, I am concerned that this deadline will be moved up if GM enters bankruptcy as many expect.

Such franchises face a similar situation when it comes to large inventories of parts and manufacturer-related tools. From discussions with these dealership owners, it appears that some of this inventory may have been accepted as a result of manufacturer pressure to purchase additional, unneeded stock, possibly in order to help the companies avoid bankruptcy. Now these dealerships will likely have no other alternative but to sell their stock of parts and tools to surviving dealers for pennies on what they paid.

I am also worried about the negative impacts of your companies' decisions on consumers who have warranties and service contracts, especially in rural areas like West Virginia. Many families have consistently bought cars from the same dealership in their local community and have built long-term relationships with the dealership's owner. Now these West Virginians will be forced to travel unreasonable distances due to the local dealership having their franchise agreement terminated. In some cases, customers will be in the untenable position of having to drive over an hour to simply have their cars serviced and their warranties honored.

While I understand that as part of GM's and Chrysler's restructurings you may need to examine your dealership contracts, I urge you to reconsider your decisions to terminate these franchise agreements. As two companies that have received billions of dollars in Troubled Assets Relief Program (TARP) funding, I would hope at the very least that Chrysler will establish a more reasonable transition period that will allow its terminated franchises to stay open beyond June 9th. I would also hope that regardless of whether it enters bankruptcy, GM will honor its commitment to allow terminated dealers to remain open until October 2010.

Both of these actions would permit dealerships to sell most of the inventory of their vehicles, parts, and tools; maintain their used vehicle businesses and service and repair centers; allow consumers to continue to have access to quality service and the honoring of warranties and service contracts; and keep job losses to an absolute minimum.

Thank you for your urgent attention to these important matters. I look forward to receiving prompt responses from you both.

Sincerely,

JOHN D. ROCKEFELLER IV.

Mrs. HUTCHISON. Senator ROCKEFELLER is concerned, as many of us are, that the dealers are the roadkill in this, and they are also the people who have run successful businesses. They have sold the cars. They have employees. They have investments in the community. In many instances, these are the largest employers in the community. They support the high school football program. They support the community charitable events. We are not only knocking out 40,000 employees, we are not only knocking out the people who have given their faith and loyalty to this brand, but we are knocking out a huge chunk of community activism and volunteer service to the many communities affected by these closings.

I talked with the president of Chrysler this morning, and I believe he sincerely is trying to save the company, and we want him to do that. But it has been half a day, and I have not seen a progress report that we will be able to come back to the floor and say these dealers are going to get some help from Chrysler.

The President says he wants to help. But I think it is time now that we get some sense of what help is. If it is purchasing the inventory, getting the financing for the new and ongoing dealerships that will stay in business, we need to know that. These dealers need to know it so they can plan. My goodness, it is now probably 2 weeks or so, until June 9, and these people are having to plan for the orderly transition of their companies, hopefully not into bankruptcy, but many of them are going into bankruptcy.

I have been told some of these are Chrysler dealers, but they have other dealerships as well. The Chrysler dealership could bring down the ongoing one. I think it is time for the Government that is trying to help the manufacturers to say we need to help the dealers too. We do not need to have a bailout for the dealers, but we do need to give them time to have their orderly transition or give them credit possibilities with the dealerships that are going to stay in business and have them take the inventory. That would be the logical thing to do. But we need a commitment.

The 20 cosponsors of this amendment, when they hear from their dealers and they hear what is happening, want answers and they want answers before this bill leaves the floor. I hope I can give a better result than I have gotten so far today from the White House and from Chrysler that something is coming together. I think everyone has the right goal. We need to work together to achieve that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR MILITARY

Mrs. LINCOLN. Mr. President, I think a lot of folks are looking toward the weekend. It is a holiday weekend. I know I am reflecting on that holiday weekend. I hope others are as well because on this Memorial Day, families in communities throughout Arkansas, our great State, and across our great Nation will gather to recognize the service of our men and women in uniform and to honor those who have paid the ultimate sacrifice in the name of freedom.

My father and both of my grandfathers were infantrymen who proudly and honorably served our Nation. They taught me from a very early age about the sacrifices of our troops, their experiences, the sacrifices of our troops and their families and what they have done to keep our Nation free.

Throughout my Senate career, I have consistently fought for initiatives that provide our military servicemembers, our veterans, and their families the benefits they have earned and deserve. That is why in advance of Memorial Day, which is right before us, I have authored a series of bills to honor our troops and their families.

My first legislative proposal calls for educational benefits that better reflect the service and commitment of our guardsmen and reservists. This legislation is endorsed by the Military Coalition, a group of about 34 military veterans and uniformed service organizations, with over 5.5 million members. I am pleased that my friend and colleague, Senator CRAPO of Idaho, with whom I routinely join in a bipartisan way on a whole host of issues—we came to the House together, and we came to the Senate together. He is a good friend and good working partner on behalf of substantive issues. He has joined me in cosponsoring this bill.

Unfortunately, educational benefits for the members of our Selected Reserve have simply not kept pace with their increased service or the rising cost of higher education. These men and women serve a critical role on our behalf, and we must make an appropriate investment in them.

In Arkansas and across the country, Americans are well aware of the reality that our military simply could not function without the thousands of men and women at armories and bases in our communities who continually train and prepare for future mobilizations and who work to ensure other members of their units are qualified and ready to deploy when called upon.

My legislation would tie educational benefit rates for guardsmen and reservists to the national average cost of tuition standard that is already applied to Active-Duty educational benefit rates. This builds upon my total force GI bill, first introduced in 2006, which was designed to better reflect a comprehensive total force concept that ensures members of the Selected Reserve receive the educational benefits that are more commensurate with their increased service.

The final provisions of this legislation became law last year with the signing of the 21st-century GI bill. In addition, the National Guard and Reserve have been and will continue to be an operational force serving overseas, and as such they require greater access to health care so that members can achieve a readiness standard demanded by current deployment cycles.

Far too many men and women are declared nondeployable because they have not received the medical and dental care they need to maintain their readiness before they are called up. This can cause disruption in their unit by requiring last-minute replacements from other units or requiring treatment during periods that are set aside for much needed training and experience they need to gain before they are deployed.

Compounding the challenge is the fact that short-notice deployments occur regularly within the National Guard. The Department of Defense can and should do more to bring our Selected Reserve members into a constant state of medical readiness for the benefit of the entire force.

My bill, the Selected Reserve Continuum of Care Act, would better ensure that health assessments for guardsmen and reservists are followed by Government treatment to correct any medical or dental readiness deficiencies discovered at their health screenings.

This legislation is endorsed by the National Guard Association of the United States, the Association of the United States Army, the Association of the United States Navy, the Enlisted Association of the National Guard of the United States, the Reserve Officers Association, the Retired Enlisted Association, the U.S. Army Warrant Officers Association, and the Veterans of Foreign Wars of the United States.

I also thank Senators LANDRIEU and BURRIS for their support in cosponsoring this bill as well.

Lastly, a bill I have introduced today, the Veterans Survivors Fairness Act, would enhance dependency and indemnity compensation benefits of survivors of severely disabled veterans and increase access to benefits for more families. In doing so, it would address inequities in the VA's DIC program by doing three things. First, it would increase the basic DIC rate so it is equivalent to the rate paid to survivors of Federal civilian employees. It also would provide a graduated scale of benefits so many survivors are no longer

denied benefits because of an arbitrary eligibility restriction. Lastly, it would allow surviving spouses who remarry after the age of 55 to retain their DIC benefits.

This legislation, cosponsored by my good friend, Senator HERB KOHL of Wisconsin, is endorsed by the Disabled American Veterans, the Association of the United States Navy, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, and the Reserve Officers Association. It is not coincidental that these two measures are supported so heavily by our military associations. It is because they are much needed and it is because they are so deserved. Beyond these three bills, veterans health care continues to be on the top of my priority list. I have worked with my colleagues to make substantial investments to increase patient travel reimbursement, improve services for mental health care, and reduce the backlog of benefit claims.

Access to the Veterans' Administration health system is absolutely critical, but too often it is quite challenging, particularly for our veterans who live in the rural areas of our Nation. For these veterans, among the other initiatives I have championed, I have championed legislation with my friend and colleague, Senator JON TESTER of Montana, that will increase the mileage reimbursement rate for veterans when they go to see a doctor at a VA medical facility and will authorize transportation grants for Veterans Service Organizations to provide better transportation service in rural areas.

I have been to areas in southern Arkansas, very far from Little Rock—3, 3½ hours' travel—visiting with veterans down there who are in dire need of access to that VA medical care. Yet their ability to get there was hampered by the fact that they were only reimbursed one way; not to mention the fact that their reimbursement was so low—so far below what a Federal employee gets reimbursed—it was uneconomical and almost prohibitive in getting them there.

As Memorial Day approaches, I hope all my colleagues will remember, and I would like to encourage them and all Arkansans, to take the time to honor our servicemembers, veterans, and their families. Never miss an opportunity to thank someone in uniform. Our troops are worthy of our appreciation, and we should come together as a nation to show them with our words and our deeds that we stand with them as they serve our interests at home and abroad. As we all gather in preparation of a recess break, I hope we will all remember the reason we have this break, the reason we celebrate this holiday.

Those of us who have military in our family, those of us who do not, it doesn't matter, we all enjoy the freedoms of this great country, and it is critically important that we show that not only on Memorial Day but each day of the year. The opportunity we have as legislators to honor our men and women in uniform, to support them with legislation that is meaningful to their lives, to their service, and to their families is absolutely essential. I encourage all my colleagues to look at the legislation I have offered, along with several of our colleagues, and encourage them to join me as we begin this Memorial Day break coming up next week and to remember why we celebrate, why we celebrate this Nation and these freedoms. It is because of the men and women in uniform who have served so bravely, and for those who have made the ultimate sacrifice, that we enjoy this great land and these freedoms and rights that we do enjoy in this great country.

Before concluding, I would like to add a couple other notes. I couldn't help but hear the comments of my colleague from Texas, and I wish to join her in her frustration for so many of our small and family-owned businesses across our State—our automobile dealers—that, for generations and generations, have passed down in their families a small business that they have worked very hard to keep afloat, to keep busy, to keep healthy, and to keep alive for future generations. My hope is that we will have the assistance and the working relationship with both the Treasury and the Chrysler Corporation and GM and others to better understand how we make that transition as reliable and certainly as palatable to those individuals and their families and small businesses as we possibly can. I look forward to working with the Senator from Texas and with other Senators as well as we move forward in that effort.

Last, but not least, I would like to also mention and extend my congratulations to our newest ''American Idol,'' Arkansas' own Kris Allen, who represented our State so well over the past few months in the ''American Idol'' television show, which has been so popular among so many people in this country.

Kris is a talented young man with a bright future ahead of him, and I look forward to watching him build a very successful career. I join all Arkansans when I say how proud we are of Kris, not only as a talented performer but as a humble young man who embodies our Arkansas values of hard work, integrity, and conviction. We wish him all the best as we begins this new phase of his life and career.

I yield the floor, and 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. DEMINT. 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. 1138

Mr. DEMINT. Mr. President, do we need to set aside a pending amendment?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized.

Mr. DEMINT. It is my understanding, Mr. President, that I have 20 minutes to speak.

The PRESIDING OFFICER. That is correct.

Mr. DEMINT. I would like to say a few words now and then reserve the remaining time.

Mr. President, I am going to speak on my amendment to S. 1054, and it addresses a large amount of money that has been added to the war supplemental bill. In these times, it is, first of all, somewhat surprising that we would take $108 billion and add it, unrelated to war supplemental, to this spending bill. My amendment would strike $108 billion from the current spending bill, and I would like to take a few minutes to explain exactly what my amendment does and what we are striking.

The Chair and all my colleagues know these are very challenging times. We often refer to it as one of the worst economic crises we have had. I think we and many Americans are concerned about how much we are spending, how much we are borrowing, and what that might mean in the not-too-distant future as it relates to inflation and interest rates and higher taxes. I am hearing very often when I go back home: Enough is enough.

We have to remember, as we look at this amount of money that has been requested, what happened to what we called the TARP funds. The last administration asked us to come up with $700 billion to be used for a financial bailout because we were in a crisis, and the money was going to be used—and this was very clear—to buy toxic assets, nonperforming loans, here and around the world. It had to be done immediately or the world financial system would collapse. Under that duress, Congress approved $700 billion—really, a trillion with interest, over time—but none of the money was ever used as it was supposed to be used. We never bought any toxic assets. In fact, the money was used in different ways: to inject money into banks—even some banks that didn't want it; it has been used to make loans to General Motors and to Chrysler; and now we are talking about converting those loans to common shares so that the Government is owner of General Motors and Chrysler, as well as the AIG insurance company and possibly part owners of many banks.

But the interesting part of this that relates to my amendment is that this week I asked Secretary Geithner: What is going to happen when this money is repaid? Well, if it is repaid, he said, it will go into the general fund, but the Treasury will maintain an authorization to take up to $700 billion from the

general fund anytime from now on. It becomes a permanent slush fund for Treasury. So what we have done is made the Treasury Department appropriators. Anytime they want, they can appropriate up to $700 billion.

That is, in effect, what we are doing with the International Monetary Fund. Let me explain to my colleagues a lot of things I didn't know until I looked into this. The International Monetary Fund was set up to make loans to nations; to help nations that might need money to get through a financial crisis. Many nations are involved, but we give them $10 billion as a kind of deposit to the fund. Currently, the IMF has the authority to use that money continuously. But we also give them the right to draw another $55 billion from our Treasury at any time. In effect, the International Monetary Fund can appropriate $55 billion from the U.S. Treasury anytime it wants. They now have over $60 billion of our money that they can use all over the world.

We can debate whether that is a good thing, but what the President has asked for, and this bill provides, is an additional $100 billion credit line, in effect, to the International Monetary Fund, and it ups our deposit another $8 billion. We are going to take another $8 billion and put it in the International Monetary Fund to be used. But then we make appropriators out of the International Monetary Fund. We give them a permanent credit line of an additional $100 billion that they can appropriate anytime they want around the world.

There are a lot of good things we would like to do as a country, as a Congress. We would love to improve our education system. There are a lot of challenges in health care. We have talked about our roads and bridges decaying. There are so many good things we would like to do that we don't have the money for. How can we possibly tell an International Monetary Fund that they can take $100 billion anytime they want from the U.S. Treasury if there is an emergency somewhere in the world?

There will be emergencies in these times. The interesting issue we are not thinking about is we are going to have more and more crises here at home. We know California is heavily in debt—over $20 billion. They are talking about a financial collapse, as is New York and other States. But the size of California's debt is only one-fifth of what we are giving the International Monetary Fund.

I don't think we have added up all of this. I am very concerned we are not considering how much money we are talking about. Let's put $108 billion in context. I know some will come and say we are not spending that amount of money, we are just authorizing it, which means it can be appropriated anytime, but we are not spending it. In fact, they took the effort to get CBO to change the way it normally scores so this is not spending. They are saying the risk is only like $5 billion. But the International Monetary Fund can take $100 billion out of our Treasury anytime it wants.

With the world situation the way it is, I think we are being very naive to think it will not come out. We were told most of the TARP funds would not be used. We used most of the TARP funds.

But let's think about this $100 billion. That is more than we spend as a Federal government on transportation all year. The 2010 budget for transportation is $5 billion. It is more than we spend on education for a whole year—$94 billion in our country. It is more than we spend on veterans' benefits. It is a lot of money. But very often we are talking about our own services to our own people in this country for which we do not have enough money. We need to remember the International Monetary Fund, while it may serve in theory a good purpose, people on the board who decide how this money is used include countries that we say are terrorists, such as Iran. Do we think Iran is going to help the United States when we are in trouble?

Let's look at our current situation. Our current national debt as a country is $11.2 trillion—more than any other country in the world. We are the most indebted country in the whole world. Our per capita debt is $37,000. Every man, woman and child in this country owes $37,000, based on what we have already borrowed. But if you include Social Security and Medicare liabilities, our current expenditures will exceed tax revenues by $40 trillion over the next 75 years. Our debt is now 80 percent of our gross domestic product—80 percent of our total economy, which is the highest level since 1951.

The President's budget estimates that total debt relative to our total economy will rise 97 percent by 2010 and 100 percent thereafter. We are going to have debt that is larger than our total economy in the next year or two.

We currently owe $740 billion to the People's Republic of China and we owe $635 billion to Japan and $186 billion to the oil exporters. Keep in mind, if the IMF does access this $108 billion, we will have to borrow it in order for them to get it, and we will have to pay interest on that money. We will be told we will earn interest on any money that is borrowed, but we will likely pay even a higher interest rate in order to make that money available. When we do, we increase our debt even further.

Mr. KERRY. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. KERRY. I appreciate that. Let me ask the Senator, I think the Senator said this is a permanent fund, that we would be permanently reduced from this amount of money. Is the Senator aware this expires and is renewable every 5 years? That there is no permanency at all?

Mr. DEMINT. Does the Senator have that? I have the bill with me. It would be a great help to point this out. Of course, 5 years, the drawing of $100 billion anytime in the next 5 years is something we should not even consider.

Mr. KERRY. Will the Senator yield further?

Mr. DEMINT. Yes.

Mr. KERRY. Is the Senator also aware it is not $100 billion, that CBO scored it at $5 billion and, in fact, the experience of our country is we earn interest, we make money, and this is a winning proposition for the country?

Mr. DEMINT. That is a little smoke and mirrors. If the Senator will allow me to read from page 104 of the bill, on line 4 it says:

> Any payments made to the United States by the International Monetary Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the International Monetary Fund.

You may have a date somewhere on this, but that is pretty clear, that it will continue to be a draw.

Mr. KERRY. Mr. President, if I could proceed further? In point of fact, it is limited, and it has to be repaid at the end of 5 years if it is not renewed.

Mr. DEMINT. Do you have the cite?

Mr. KERRY. I will further get that for the Senator.

Mr. DEMINT. I will answer the Senator on how much this costs. I think the Senator is aware, as I said, our normal way of measuring costs was changed for this bill. We are saying that, OK, if the International Monetary Fund accesses this money, it is just a loan so it is not a cost. But we have no guarantees it will get back. We say the International Monetary Fund has never lost money, but we have never been in these economic times before. We have never been in as much debt as a country. Can we afford, even if it is for the next 5 years, to have an international group that can draw $100 billion from our Treasury at any point they want? Do we want to be in that position? We have already given the Treasury Department a lot of credit to the general fund for $700 billion—which the Secretary has basically said is going to continue—and now we are going to give another line of credit to an international group in case there is a crisis around the world when we are facing crises here at home?

Mr. KERRY. Will the Senator further yield? I appreciate it.

Mr. DEMINT. Mr. President, we need to equally apply the time now against both sides.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from South Carolina has the floor.

Mr. DEMINT. I will yield the time in a minute and reserve the remainder of my time. I appreciate the comment of the Senator. I think we should have open debate about this. I would like to talk a little bit more about this idea that a line of credit is not spending. We use that a lot around here. We say we have authorized it but have not appropriated it yet. But what the language

of this bill does is it not only authorizes $108 billion of new money for the International Monetary Fund, it gives them the power to appropriate it at any time. We may not call that spending around here, but that is just political talk. If that money is taken from our Treasury, we have to borrow money to give it to them, and they may or may not pay it back. We may say the International Monetary Fund has been stable for years, but part of the bill that is going through here today—the other side will say we have collateral, they have gold—but part of the bill here, and what my amendment strikes is, giving the International Monetary Fund the ability to sell over $12 billion worth of their gold, which is collateral supposedly for our money, in order to create more cash for them to lend around the world.

I am not saying the International Monetary Fund does not have a function. But we have already put at risk over $60 billion at a time when our country is struggling, at a time when it looks like we are going to triple the national debt over the next years, at a time when many of our States are near bankruptcy, and at a time when we do not have the money to fund the priorities such as health care and transportation, energy research, health research that we are always talking about. We need more money to do those things that are essential here in America. How can we possibly, on a war supplemental bill, add $108 billion that is unrelated, basically extort the votes out of the Members by forcing us to either vote against our troops or vote against this reckless risk we are talking about taking?

It makes absolutely no sense in this crisis that we have talked about in this country to put ourselves at risk for another $108 billion, when we don't even know how we are going to pay the interest on the money we have already borrowed.

Mr. KERRY. Will the Senator yield for a question on equal time?

Mr. DEMINT. Mr. President, I yield and reserve the remainder of my time.

Mr. KERRY. Mr. President, I will speak off the leader's time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I heard the Senator suggest that this is a reckless effort to put American money at risk somewhere else. I would like to share with colleagues a letter written to the Speaker of the House and to the majority leader, saying:

We are writing to express support for the Administration's request for prompt enactment of additional funding for the International Monetary Fund.

This very fund. Let me tell you who the signatories are: former Secretary of State, Republican, Jim Baker; former Secretary of the Treasury, Republican, Nicholas Brady; former Secretary of Defense Frank Carlucci; former Republican Secretary of the Treasury Henry Paulson; former Secretary of State Colin Powell; former chair of the Foreign Relations Committee in the House and now at the Woodrow Wilson Institute, Lee Hamilton; former Secretary of State, Republican, Henry Kissinger; former National Security Adviser Robert McFarlane; former Treasury Secretary, Republican, Paul O'Neill; General Brent Scowcroft, security adviser to two Presidents. I mean, are these people reckless? Are they suggesting we do that because this is a reckless expenditure? Let's not be ridiculous.

The fact is, the Chamber of Commerce—I have a letter here and will I ask unanimous consent the letter be printed in the RECORD.

To the Members of the United States Senate.

The U.S. Chamber of Commerce, the world's largest business federation representing more than 3 million businesses and organizations of every size, sector and region, supports legislation to strengthen the International Monetary Fund included in . . . the supplemental appropriations bill currently being considered by the full Senate. . . .

The worldwide economy is experiencing its worst downturn in more than half a century. While American workers and companies have been hit hard, the U.S. economic recovery may be undermined by even more severe difficulties in some emerging markets. It is squarely in the U.S. national interest to support efforts to help these countries as they confront the financial crisis.

They go on to say:

These U.S. commitments could leverage as much as $400 billion from other countries and thus ensure the IMF has adequate resources to mitigate ongoing financial crisis.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 20, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports legislation to strengthen the International Monetary Fund (IMF) included in H.R. 2346, the FY 2009 supplemental appropriations bill currently being considered by the full Senate, and urges Congress to reject amendments that would strike the provisions from the bill.

The worldwide economy is experiencing its worst downturn in more than half a century. While American workers and companies have been hit hard, the U.S. economic recovery may be undermined by even more severe difficulties in some emerging markets. It is squarely in the U.S. national interest to support efforts to help these countries as they confront the financial crisis.

With leadership from the United States, the G20 committed to increase the IMF New Arrangements to Borrow (NAB) by up to $500 billion. The Administration is seeking Congressional approval to (1) increase U.S. participation in the NAB by up to $100 billion and (2) raise the U.S. quota in the IMF by $8 billion.

These U.S. commitments could leverage as much as $400 billion from other countries and thus ensure the IMF has adequate resources to mitigate ongoing international financial crises. Pre-crisis IMF lending resources ($250 billion, more than half of which has been committed) are clearly insufficient. Without adequate IMF support, currency crises in especially troubled economies could trigger broader economic and financial problems. Not only is the IMF the appropriate multilateral institution to take preventive action against such crises, its labors help the U.S. and other national governments avoid costlier, ad hoc responses after crises have escalated.

In addition, these measures will signal to the world that the United States is prepared to lead efforts to help emerging market economies overcome the financial crisis. Without adequate IMF support, financial crises in foreign markets may negatively impact U.S. jobs and exports and undermine the U.S. economic recovery. The Chamber encourages you to support the provisions relating to the IMF included in H.R. 2346, the FY 2009 supplemental appropriations bill.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Mr. KERRY. Mr. President, the fact is, this is a loan over which the United States keeps control. We are part of the decision-making of any lending that might take place under this. It is renewable under the New Arrangements for Borrowing Agreement, renewable every 5 years. If we do not renew it, it comes back. Moreover, it is only used in emergency if the other funds of the IMF run down.

This is for American workers. We have a lot of people in America whose jobs depend on their ability to export goods. The fact is, if those emerging markets start to fade, not only do we lose the economic upside of those markets but we also run the risk that governments fail. We have already had four governments that failed because of the economic crisis. The fact is, if they continue to in other places that are more fragile, then you wind up picking up the costs in the long run in potential military conflict, failed states, increased capacity for people to appeal to terrorism and the volatility of the politics of those regions. This is not something we are doing without American interests being squarely on the table—economic interests and national security interests.

I repeat, it has broad-based bipartisan support. I hope colleagues will take due note of that.

With respect to the economics of this, let me share one other quote, which is a pretty important one. Dennis Blair, Admiral Blair, the Director of National Intelligence, was recently quoted as saying, about the first crisis the United States faces today, the most significant crisis we face today, ''the primary, near-term security concern of the United States is the global economic crisis and its geopolitical implications.''

This is not just an economic vote, this is a national security vote. When you have a group from Jim Baker to General Scowcroft, to Henry Kissinger, and others all suggesting this is in our

long-term and important interest, I think we ought to listen pretty carefully.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I have listened to some of the comments by the junior Senator from South Carolina about the President's request to participate in the expansion of the new arrangements to borrow and increase the U.S. quota at the International Monetary Fund.

This authority, incidentally, is requested in order to implement decisions that were made by President Bush.

It is easy to confuse people about this issue, as the Wall Street Journal editorial page confused itself and probably most of its readers earlier this week.

If you are opposed to giving the Treasury Department this authority, the best way to scare people into voting against it is to say that it is a giveaway of $100 billion in U.S. taxpayer funds to foreign countries. That would scare anyone. If it were true I would vote against it myself.

But it is not true. Our contribution is backed up by huge IMF gold reserves, so the cost to the taxpayers is $5 billion over 5 years, not $100 billion. OMB and CBO agree on that, and so does the Senate Budget Committee. And besides being false, it detracts from the legitimate question of why should we do this?

The simple answer is because our economy, and millions of American jobs, depends on it.

Between 2003 and 2008, U.S. exports grew by 8 percent per year in real terms. A key reason for that was the rapid growth of foreign markets. Our exports show a 95-percent correlation to foreign country growth rates since 2000.

During that period, the role of exports in driving growth in the U.S. economy steadily increased. The share of all U.S. growth attributable to exports rose from 25 percent in 2003 to almost 70 percent in 2008.

Because of the global financial crisis our exports peaked in July of last year and have been falling since then. In the first quarter of 2009, our real exports were 23 percent lower than in the first quarter of 2008.

Our export decline is now contributing to recession in the United States.

With an export share in GDP of 12 percent, a 23-percent decline, if sustained over the course of a year, would make a negative contribution to GDP of almost 3 percent.

The stimulus plan we passed is boosting domestic demand. But the benefits of the stimulus are at risk of being wiped out by the decline in exports.

We need to help foreign countries lift themselves out of recession. It will benefit them, but it will also restore our exports as their economies recover and they begin to buy more of our goods and services.

Some foreign countries can take care of themselves with stimulus of their own, and by cleaning up their own banking sectors.

But many others, especially emerging market economies, have been hard hit. Some countries have been cut off abruptly from capital markets and shut out of credit markets by the banking problems originating in the United States and Europe.

Those countries need to fix their own problems and get temporary finance to avoid a prolonged period of economic decline.

Providing temporary finance and policy fixes is the job of the IMF.

But as the world economy grew in the last decade, the financial resources available to the IMF did not keep up. It has been caught short by the suddenness, severity, and scope of this global crisis.

The request for a quota increase, and the authority to participate in the new arrangements to borrow, will replenish the IMF's resources so it can fight this crisis.

With this money, the IMF will be able to help many foreign economies revive. With this money, the IMF will be ready in case the crisis deepens and takes more victims.

As foreign economies recover, so will ours. We will be spared an even worse decline in our exports, with greater job loss. As our exports resume, people in export industries in every State will be able to go back to work.

This may seem like an arcane issue, but it is of vital importance to the jobs of millions of Americans across this country. I, Senator KERRY, Senator DODD, Senator SHELBY, Senator LUGAR, and others have agreed on substitute language which provides for prior consultation and reports to Congress, as well as greater transparency and accountability at the IMF. It also provides guidelines for the use of the proceeds of sales of IMF gold.

The real choice here is not whether or not we should provide Treasury with the authority that both former President Bush and President Obama have called for.

Rather, it is how we should do it. After we vote on the DeMint amendment, and assuming it is defeated, I will seek consent for the adoption of substitute language that is supported by the chairman and ranking member of the Foreign Relations Committee and the chairman and ranking member of the Banking Committee.

It also has the support of the chairman and ranking member of the State and Foreign Operations Subcommittee of the Appropriations Committee.

The true cost of the authority requested by the President is not the $100 billion the Senator from South Carolina wants you to believe. That is a scare tactic. It is $5 billion over 5 years, and that is a drop in the ocean compared to cost to our economy, and to American jobs, by not acting.

Mr. KERRY. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 4 minutes, the Senator from Massachusetts has 4 minutes, the Senator from New Hampshire has 10 minutes.

Mr. KERRY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is one of those issues which looks easy on its face because it is politically simple to synthesize and state, but it is not easy; it is a complex issue.

Obviously, anything that has an initial around here in a foreign organization can be easily attacked. The idea of American dollars going to support organizations which have initials, and they are foreign organizations, often gets attacked. But in this instance our national interest is of our concern, our primary concern, and is benefitted by the decision made to carry out our responsibilities relative to the IMF.

How does this work? The International Monetary Fund is essentially an organization set up by the United States during the Bretton Woods Conference in the post-World War II period, the purpose of which was, and is, to have a backstop for countries that get into very deep fiscal problems and to have a place where the rest of the world can go together in the industrialized world and basically meet and support individual countries which have problems. It is actually an opportunity for us as a nation to share the burden which, in the post-World War II period, has fallen primarily to us, to try to stabilize the world economy.

That obviously benefits us a lot. We are the biggest trader in the world. We export massive amounts of goods. Dramatic proportions of American jobs are tied to our capacity to export, and having a stable world economy is critical to our capacity to keep our economy going. That is why we set this up. It was pure, simple self-interest, to set up an international organization to help us stabilize other Nations that run into trouble.

We are now in the midst of, obviously, a worldwide recession that is deep, it is severe, and we felt the brunt of it in the United States, and other nations across the world are feeling it also. Some are in much more dire shape than we are.

The issue is, how can we try to avoid an international meltdown, countries failing and bringing down other countries with them, and how can we benefit ourselves by maintaining stable economies around the world?

Well, one way to do that is to have an international organization such as the IMF which steps up and essentially tries to catch the dominoes before they fall.

There are countries in this world that are going through deep economic

problems, even more severe than ours, which is hard to believe because ours is so severe. If those countries fail to be able to maintain their debt, their sovereign debt, and the leveraged debt of their banking systems, and if they fail as nations, then other nations that have lent to those nations will follow them into failure.

A lot of these nations are in Eastern Europe, a few of them are in the Western Hemisphere. We have already seen two instances of this in Iceland and Ireland, and we know the situation is tentative.

In fact, just today it was reported that even the British debt, the United Kingdom debt, may be downgraded. So the IMF is sort of our primary backstop in the international community to try to avoid that type of event occurring, where one Nation fails on its sovereign debt, or its major banking debt, and it brings down a series of other nations that have lent to it.

The IMF has said, and it was agreed to by all of the countries participating in the IMF, that it needed more resources to be able to be sure—although nobody can ever be sure in this economy—in order to be reasonably sure that if a fairly significant nation has very serious problems, it can step in and try to help stabilize that country's situation, so that country does not take a lot of other countries with it as it defaults on its debt. This agreement was reached in concert, not by us alone but by a whole group of nations. So rather than the United States, for example, having to step in and unilaterally take action in, say, one of our neighboring countries, as we did in the late 1990s, this allows us as a nation to join with other nations and pool, basically pool a large amount of resources, to have them available here, for the opportunity to avoid such a meltdown.

We put in about 20 percent, other nations—Japan, Germany, England, other industrialized countries—put in the balance. The IMF is calling for $500 billion essentially. Actually, it works out to $750 billion when you put in the special drawing rights, $750 billion of capacity to be able to have that type of resources available to stabilize various nations around this world should they get into serious, severe trouble.

You can follow the proposal of this amendment as essentially saying, the United States does not want to be part of this effort. We are going to back out of this responsibility or this—you do not even have to claim it as a responsibility, this action, because we basically are going to retrench from here within the United States and not participate in this sort of international effort to try to stabilize other economies because we need our money. We need it here, now, and we cannot afford to do that.

That, in my opinion, is extraordinarily shortsighted. That is like cutting off your nose to spite your face because let's face it, if an East European economy goes down and it takes with it two or three other East European countries, and that leads to even some major Western European economies going down, who is the loser? Well, those economies obviously. But I can tell you a lot of American jobs are going to be the losers.

That type of economic disruption, that type of economic Armageddon as it was described by one of my colleagues who actually supports the DeMint amendment, would come back to affect us dramatically.

So what is the price of avoiding that, or hopefully avoiding it? What is the price of at least having in place an insurance policy to try to avoid that? Well, the price is, for us to put up no money, we are not putting up any money. We are putting up what amounts to a letter of credit to the IMF that says: All right, you now have a letter of credit from the United States for $100 billion. You have a letter of credit from a variety of other nations around the world for another $400 billion. You have $500 billion of letters of credit, so if you have to go into a nation, because their banking system is on the verge of failure, and because they do not have the ability to monetize their debt the way we do—in other words, they do not have a central bank that can print money because they do not have a world currency—you are going to have this type of support to try to stabilize that country so it does not become a domino affect on all of those other nations that may have lent to it, including us.

That is an insurance policy. Does it mean even if the IMF had to take that step and go into that country and invest that we would lose those dollars? No, we would not. In fact, we will not lose those dollars. We have never lost a dollar through the IMF. We have always been repaid everything.

Not only will we not lose them because the country they are lending to is a nation, and probably a fairly sophisticated nation because they do not do too many nations that are not sophisticated, we will not lose it because the IMF has a massive gold reserve that essentially backs up all of the dollars, all of the money that is there. So it is not a risky exercise.

That is why this effort does not score as $108 billion. There is no game being played about the $108 billion number. The simple fact is, the $108 billion number does not score because there has never been an outlay to the IMF.

You can make an argument that even the $5 billion—that is what CBO came up with as a number, and I think that was based on the assumption that there might be some interest costs, but even the $5 billion is wrong. Zero is the right number. Certainly a representation that $108 billion is what it is going to cost the American taxpayers is totally inaccurate. It is playing with facts fast and loose because we never had lost any money.

All the lending of IMF is basically securitized, either by the debt of the nation they are lending it to or by their own gold, the gold of which they have a huge accumulation.

So this is not a cost of any significance to the American taxpayer. What it is, however, is an extraordinarily cheap way for us as a nation to lay off the burden to other nations, other industrialized nations; lay off the burden of making sure that countries which would represent a very serious problem to us and to the world community should they fail financially, a very cheap way of trying to have in place a system to avoid that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. So, from my opinion, this is an amendment which is not constructive either for our economy or for the international situation. I would hope it would be defeated.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be equally charged to both sides.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I objected to that. I was allowed 4 minutes. The other side is not showing up. I do not think that is right to take my 4 minutes. If the other side would like to yield back, I will be glad to close with my 4 minutes.

I suggest the absence of a quorum, and I reserve my 4 minutes.

The PRESIDING OFFICER. If the Senator puts us in a quorum call, the time will be charged to him, absent consent.

Mr. DEMINT. Let me simplify this. I will go ahead and speak.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I appreciate the comments that we have heard today. I want to make it clear we are not trying to minimize or change our commitment to the IMF at all. We are already committed for about $65 billion. We are the largest contributor to the IMF, and that will continue.

What I am opposing is a massive increase in our commitment of $108 billion at a time this country cannot afford it. We have also heard this is not really any spending, that no money will really come out of our Treasury. If that were true, we would not need to ask for it; it would not need to be in the bill. If that were true, it could be $200 or $300 billion, and it still would not cost us anything.

This is just political speak here in Washington. We are giving a credit line to an international agency where we do not control the vote, where they can take $108 billion more than they already have, 108 in addition to the $65 billion we have committed to this agency, to use in a way that they would like. I object to this because I have businesses in South Carolina that can't get a loan, a small loan from a bank that has taken Federal money. They can't continue their business because the bank says these are difficult

economic times and that is a high risk. So we are going to take $100 billion and give it to countries that are high risk because supposedly that helps our economy. Enough is enough. We have spent more than we can pay back already. It is wrong to attach this type of spending to a bill that supports our troops. This should be taken out of the bill right now. That is what my amendment does. It strikes a section that would give an additional $108 billion of appropriation authority to the IMF.

It also strikes a section that allows them to begin to sell off the gold reserves that we just heard are a so-called security for this loan. This makes no sense.

I urge colleagues to say enough is enough. There are many good things we can do, but we, frankly, don't have the money anymore. This is more than we spend on education every year, more than we spend on veterans benefits, more than we spend on transportation. It is real money, because it will be drawn upon, because there are countries all over the world in difficulty. We will set a precedent. Notice that in the criticism of the bill, they are not using this to criticize it, because not only does this create a permanent amount of authority to withdraw money, it gives the Secretary of the Treasury the ability to make amendments to the law. We are giving the authority of this Congress over to the Secretary of the Treasury and the International Monetary Fund. None of this makes any sense. Enough is enough. No more spending. No more borrowing. It is time to let it go.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, this makes all the sense in the world. In fact, Senator GREGG, former chairman, now ranking member of the Budget Committee, gave an excellent summary of exactly what this is. It is not an expenditure. It is a letter of credit. It stabilizes countries. It is an insurance policy. It has always been repaid. As Senator GREGG said, even the $5 billion which the CBO scores this at is not accurate because the money is never laid out. This is not a risky exercise because we make money through the interest. This is an asset that we create that is traded against the letter of credit.

Let me answer my colleague. He asked the question about the 5 years. Paragraph 17 of the IMF Articles of the New Arrangements to Borrow has a provision for withdrawal from membership. A participating member can withdraw. At that time, the money comes back to you. You cease to have your commitment on the line. Paragraph 19 of the IMF Articles of the New Arrangements to Borrow states:

This decision shall continue in existence for five years from its effective date. When considering a renewal of this decision for the period following the five-year period referred to in this paragraph 19 . . . the Fund and the participants shall review the functioning of this decision.

Mr. DEMINT. Will the Senator yield?

Mr. KERRY. I will yield on his time.

Mr. DEMINT. Are you reading from——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I am reading from the current Articles of the IMF's New Arrangements to Borrow. This is the operative agreement for the NAB, on which this lending takes place. Let me make it clear, why this is furthering our interests. The fact is, in South Carolina, they have a lot of businesses that export. From the beginning of this year exports in the U.S. were down 23 percent. They were down 23 percent because countries' economies around the world are hurting. As Secretary Kissinger, General Scowcroft, and the Chamber of Commerce all agree, this is important for American business. The fact is, between 2003 and 2008, exports grew by 8 percent per year in real terms. We have a correlation in our exports to the growth of other countries. There has been a 95-percent correlation in that growth.

The fact is, the share of all U.S. growth attributable to export growth went from 25 percent in 2003, to 50 percent in 2007, to 70 percent in 2008. We benefit. That rise of exports from 25 percent to 70 percent is to the benefit of American business. Unfortunately, those exports peaked in July of last year. Most of our partners are now in recession. Real exports are now 23 percent lower. You are looking at a reduction in American GDP, if you don't provide this line of credit.

President Obama went to London. He led the world in getting a $500 billion agreement to help support these countries to revive their economies. When you consider the money we have spent in the Cold War to break the Eastern Bloc away from the Soviet Union and, ultimately, they have adopted our economic system, they are working as partners now, many of them members of NATO. Their economies are hurting. We benefit if those States don't go into an economic implosion.

This is a national security issue for the United States. It is a plain and simple, self-interest economic issue for the United States. Most importantly, we don't spend money. This is a deposit fund in an account which is interest bearing to the United States. It is a good investment. Historically, we have not lost money. I know Senator LUGAR will vote against this amendment. Senator GREGG and others. I hope colleagues will resoundingly reject this ill-advised amendment.

Mr. DEMINT. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 39 seconds.

Mr. DEMINT. I wish to make sure the Senator understands that the bill we vote on today amends what he just read about our ability to get out of this in 5 years. Sometimes it is hard to get the straight scoop here.

It is real money or we wouldn't be asking for it. This is not a time in our country's history that we can afford to put another $108 billion on the line, when we can't get our own businesses enough money. We have to stop this reckless spending. I encourage colleagues to support my amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1138.

Mr. DEMINT. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—30

Barrasso	DeMint	Kyl
Bayh	Ensign	McCain
Bennett	Enzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sanders
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter

NAYS—64

Akaka	Gillibrand	Murkowski
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Corker	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NOT VOTING—5

Byrd	Kennedy	Rockefeller
Hatch	Murray	

The amendment (No. 1138) was rejected.

Mr. KERRY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add the following cosponsors to amendment No. 1189: Senator LANDRIEU, Senator SHAHEEN, Senator CRAPO, Senator RISCH, Senator BILL NELSON, and Senator SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I would point out that there are now 26 cosponsors of the amendment that would have tried to give the Chrysler car dealers extra time to get their affairs in order rather than a June 9 deadline. It would just give them 3 more weeks. I am still hoping the White House and the Chrysler company will come forward with something that will give some help to these dealers. I think the Senate is beginning to speak by the number of cosponsorships for this amendment.

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. BAYH. 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. BAYH. Mr. President, I ask unanimous consent that the next hour be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAYH. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senator INOUYE as a cosponsor of amendment No. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we are still working on language that I very much hope we can get agreement on before the end of the day. I think everyone is working in good faith. That is my hope, and I will remain optimistic that we can have something definitive for the dealers in this country who are facing bankruptcy or dissolution in 2 weeks.

As of now, 28 Senators have signed on to agree that we need to be helpful to them. I think we have a way forward, but we have to get everyone signed off on it. I hope all of the parties will do that, so there can be a definitive announcement, because these dealers need to be able to plan going forward. They need to know what the rules of the game are. I think it is the least we can do for them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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. 1189

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senators FEINGOLD and HARKIN to amendment No. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. That takes us up to 29 cosponsors of this amendment. We are almost up to a third of the Senate saying we need to help these Chrysler dealers. I just hope we can produce something for these dealers by the end of business today that will help them begin to get their affairs in order after the blow they received on May 14.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I asked the managers of the bill if I could have some time to discuss this bill for a moment. I offer a lot of amendments around here and, quite frankly, there are several amendments I should have offered, or should call up, but I am not going to call up because, quite frankly, I am not prepared to do it.

I wanted to talk about this bill because it has been described in a lot of ways as funding for our troops, as things that we have to do. I want to put a few holes in that for a minute.

There is funding for our troops in this bill, there is no question. We need to do that. One of the promises of the President—and I hope it comes about this next year—is we will never see another one of these to fight the wars. It will be incorporated, as it should have been in the past.

I am on record of voting against three of these requests from the Bush administration for the fact that it should be incorporated into the regular budget. We know we have these expenses. When we do a supplemental or an emergency—that is what we are calling this—there is something that happens most people do not realize. Mr. President, 100 percent of this bill will be borrowed by the Treasury when we start spending the money. This is not money we have. It is money we are going to borrow from the next two generations because the Congress refuses to make priorities of what we need to do, and we continue to spend money on things that we should not be or do not have to do, which are not a priority, and the money we are going to spend is borrowed money.

We have not heard much of that in the entire debate on this bill. Every dollar will be stolen from the future of the next two generations to come, and most of the people who are hearing my voice today will not pay the cost of this significantly large bill.

It was not all that long ago that the entire Federal budget wasn't the size of this, less than 45 years ago. Yet we are going to pass, in very short order, with very few amendments, a bill that does a lot of things besides fund our troops.

Of course, there is another thing most Americans don't know. It is that all the things that are in this bill that go to other executive branch agencies will be utilized to raise the baseline next year for the starting point of the budget process. In other words, we are raising the baseline. So when we look at it, when it comes through the budget next year, and the appropriations cycle, it will not be what we actually appropriated under the budget. It will be under the budget plus what we spent on the supplemental. We do not go back to where we should be. We go back to an elevated area because we had an emergency spending bill.

There is money in here for the United Nations Development Program, Peacekeeping Operations, $721 million. Here is a fact that most Americans don't know. Forty percent of every dollar spent by the United Nations on peacekeeping operations is absolutely defrauded or wasted. So in this case, $300 million of the $720 million that we are going to appropriate, some shyster connected with the United Nations, either in New York or in some foreign country, is going to steal that money. It is not going to go to help anybody keep the peace. It is not going to go to clothe and feed someone. It is not going to go to protect the rights of those who are discriminated against, those who are living not under the rule of law; that, in fact, $300 million out of the $720 million isn't going to do anything except line the pockets of crooks.

Yet we have that report, which we had to get from the U.N. because we don't have transparency on where our money is going. That is the U.N.'s own report. Yet there is nothing in this bill that requires them to give us an audit of how they are spending it. There is no metrics on how it is going to be spent, and there is nothing in this bill that says they are going to have to tell us and show us that they didn't let it get defrauded or get stolen. We are not paying attention. We are running like there isn't an economic crisis.

There is another area in this bill that is extremely disturbing to me, which is that we are going to give a $1.3 billion pay raise to all the Foreign Service officers in this country.

They hire 500 to 600 new ones each year. They have 25,000 applications for these jobs without this pay raise. This is called a locality pay differential, and it started because it is so expensive to live in Washington that we give a 21-percent increase to all Foreign Service officers who get stationed in the United States, but we are now going to give it to them no matter where they live.

So what we are talking about is a $15,000-a-year pay raise on the basis of nothing, to people who, on average, make more than $75,000 a year. Ask yourself a question: When we send a colonel to South Korea, do we give him a locality pay increase? No. When we send a sergeant to take care of the troops who are stationed around the world, do we give him a pay increase or her a pay increase? No. And they just happen to make a third of what our Foreign Service officers make. Yet with one broad stroke we are going to add $1.5 billion over the next 4 years, and then at least $400 million a year to everyone who works for the State Department.

Why are we doing that? Why are we saying Foreign Service officers are more important than our men and women in uniform? Why are we creating a differential when, in fact, there is no hardship, and we are having no trouble getting employees. By the first data I put out there, we are not. There are no statistics to suggest they have a greater loss than they are capable to reproduce. Yet in this bill, $400 million a year, just as a gift—just as a gift.

Think how demoralizing that is to the men and women who wear the uniform of the United States. We have decided that technocrats are more important than the people on the front lines. We have decided that, not based on merit, not based on performance, we are just going to give them a raise.

I don't have any objections due to the cost of living in DC that we might have a differential pay for that. But why would we say no matter where you live—if you live in Muskogee, OK, where I am from—and you happen to work for the State Department; that because you work for the State Department and not because you produce more or do a better job, you are going to get a 21-percent pay increase that is never going to get rescinded.

What are we doing? And why are we doing it?

Also in here is $.5 billion for the start of—and they have a legitimate claim, the State of Mississippi—a hurricane prevention program. We asked the Corps to do a study. We are putting money in. It is unauthorized money. It has never been through the committee, and I am not saying that we may or may not want to do this. But the Corps hasn't even finalized their evaluation of the study on whether it is viable. Yet this is the first $.5 billion in a $2 billion to $7 billion project that I am not sure right now, without authorization of the appropriate committee, we are going to jump in line ahead of every other priority program that the Corps of Engineers has just because we can do it. And the Corps hasn't even accepted the premise of the study on which the money is going to be spent.

America, wake up to what we are doing. This ship has a lot of holes in it, and we are taking on water faster than those with common sense can bail it out. These are just three prime examples of things in this bill that ought not be handled the way they are handled in the bill.

The No. 1 thing we are not doing is we are not being honest with ourselves about where this money is coming from and how much more it is going to cost the people in this country who are struggling every day just to pay their mortgage, just to put groceries on the table, and to pay their utility bills.

We are going to give $108 billion to the IMF. We had an amendment that got defeated. The fact is—and pay attention to this—it may not help. The assumption is we will get paid back because they have never not paid us back in the past. Well, this is a different day, and there is a high likelihood that, even though we only charge $5 billion for the cost of this $108 billion loan, we will never see a penny of it come back—a very high likelihood—especially if you look at the total debt and money assets of all the European countries compared to their GDP ratio.

We wring our hands and say: Well, we have to do this. We have to do this. What we have to do is preserve America first. What we have to do is defend America first. What we have to do is restore confidence in America. The way we are doing it with this bill does just the opposite.

I am sorry I haven't had time to go after the issues in this bill. There are tons of things we ought to be doing differently, and if we are not going to do them differently, we ought to hold the Members accountable on a vote to say why we are not doing them differently. Borrowing this money against our children's future and not making hard choices on some of the $350 billion worth of fraud and waste that we know the Federal Government has, not even looking at it, not making an attempt to pay for any of it, to me, is a tragedy.

It is not just a tragedy of the moment because what it clearly spells out is that there has been no change. There is no change in behavior. There is no recognition of the difficulty we are in. There is no set of priorities that says we do what is most important for the country first, and if it is not really that important, we don't do it at all now so that we can protect the way of life we have come to know. I am disappointed in us because we have failed to grasp the seriousness of where we are today in this country. And where we are is not far from losing the essence of what America stands for.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). Will the Senator withhold his request?

Mr. COBURN. I will. I withdraw my request.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak about the supplemental that is before the Senate in terms of the appropriations. Much of this bill is about supporting the men and women wearing the uniform of the United States who are serving this country around the world and acting as sentinels for America's freedom around the world.

The question is, Will we appropriate the resources necessary to match the challenge we have given them and the call to service we have asked of them? That is what this appropriations supplemental bill is largely all about.

In that context, there is one particular area of funding that doesn't go to where we have troops but where we, in fact, care about what is happening in part of the world, and that is Pakistan. We care about it because it is along the Afghanistan-Pakistan border; the area where, in fact, Osama bin Laden likely exists; the area al-Qaida is operating in, crossing back and forth along that border in order to attack our troops in Afghanistan; and also because of the Taliban. So we have clear national security interests as it relates to that part of the world.

We all agree the situation in Pakistan is probably at the top of the list of our most serious national security challenges because this is where al-Qaida has reconstituted itself, and this was the entity, along with bin Laden, that struck us on that fateful day of September 11.

Late last month, the Secretary of State warned us that Pakistan's government is facing an ''existential threat'' from Islamist militants who have established operations dangerously close to the capital city of Islamabad. These are militants who wish to do us harm, plot new terrorist attacks or, God forbid, seize control of that country's nuclear arsenal. There are plenty of reasons for the United States to be engaged. Since 2001, Pakistan has received more than $12 billion in assistance from the U.S. Government. The idea behind the assistance has been to support democratic institutions, human rights, economic development, along with counterterrorism operations to fight the Taliban and al-Qaida and create the conditions for stability in the country.

Unfortunately, under the lax oversight of the Bush administration, that assistance had very few strings attached to it, and under that administration it is hard to see what kind of results we actually achieved for the money we spent. Democracy and institutions of civil society are as fragile as

ever, the Taliban is expanding its reach, and we have heard reports about the Pakistani Government expanding its nuclear arsenal. So $12 billion later, the way we sent assistance may or may not have worked for Pakistan, but it certainly didn't work for us.

So, Madam President, we have to constantly ask ourselves: How are we using our money in pursuit of our national interests and our national security interest, and what type of benchmarks and progress are we making so that we can, in fact, respond both as fiduciaries to the taxpayers of the country and, at the same time, in measuring benchmarks toward our national security goals?

It is our responsibility to see that there is transparency and accountability in whatever assistance we are providing, and as the administration makes the case to reverse what it acknowledges are ''rapidly deteriorating security and economic conditions'' there, we have to make sure the funding we are sending over is actually doing its part to make the situation better.

We have to ask those questions about the Pakistan funding in this current supplemental bill as well. For starters, in this supplemental, I think when we look at it, it is pretty significant. There is over $1.6 billion in the supplemental for Pakistan, including $400 million for the Pakistan Counterinsurgency Capability Fund, $439 million in economic support funds, and $700 million in coalition support funds.

I am concerned about the funding, but I want to specifically talk about the $700 million in coalition support funds. Those funds are used to reimburse the Pakistani Government for the logistical and military expenses of fighting Islamist militants.

As the Pakistani military increases these activities—and we have seen those military activities finally take place in a way that we think is moving in the right direction—those coalition support funds are expected to increase substantially as well. So if we are going to have a shot at the militants, we are going to need to provide support. And we are agreed on that, I think. But that does not mean we should be sending out blank checks.

Along with my distinguished colleague from Iowa, Senator HARKIN, and several colleagues in the House, we suggested the Government Accountability Office look into the assistance we provided to Pakistan, including the $6.9 billion in coalition support funds it received. In a June 2008 report, the GAO found that the Pentagon did not consistently verify Pakistani claims for reimbursement, and additional oversight controls were needed.

Here is an example from that report. The United States was reimbursing the Pakistani Government $19,000 per month for each of about 20 passenger vehicles, about $9 million in total, even though we later found out that we were paying for the same 20 vehicles over and over.

A February 2009 report that we also asked for echoed and confirmed those findings and said that the Pentagon needed to improve oversight of coalition support funds reimbursements.

Earlier today at a Foreign Relations hearing I asked Admiral Mullen, and he acknowledged we have not had good controls in the past on coalition support funds, but he assured the committee the controls have improved and additional steps are being taken to make sure the funds are being used wisely.

The Deputy Secretary of Defense outlined these steps in a letter to Chairman KERRY last month, including new guidelines, additional face-to-face meetings with Pakistani counterparts, and additional visits by the Department of Defense to Pakistan to refine the coalition support fund claim processing and validate procedures.

Personally, I have met with Ambassador Holbrooke, our special envoy to this region, as well as questioned Secretary Clinton yesterday before the Foreign Relations Committee, and they both assured me this administration is developing metrics to measure success and change the way we engage in Pakistan so we can defeat the militants and bring stability to the country and the region. I am pleased to see these steps being taken and I look forward to closely monitoring them as we move forward.

Let me conclude by saying we all realize that conditions on the ground make detailed reporting and accountability a major challenge. We cannot expect to be getting daily comprehensive spreadsheets e-mailed from every remote mountain region. But as best as we can, it is the responsibility of this Congress to ensure that all of our funds are being used in a manner that is advancing our national interests and our national security interests.

With these changes that have taken place, I think—partly because we have asked for these reports, partly because of the questioning at these hearings, partly because of the new leadership of the administration—I plan to vote for the supplemental. In doing so, however, I want to send a very clear message that it is not and should not be construed as a blank check. I have concerns with the coalition support fund program and concern about Pakistan's nuclear program. Money is fungible, and I am concerned as we send money to Pakistan for one purpose that frees up their money to be buying nuclear weapons, something that is not in our interest or in the interest of that part of the world. I am glad the Obama administration is taking steps to ensure accountability and in the future we need to do even more. We need to be sure we do not wind up right back here a year from now, having to say the same things. We cannot afford to yet again take one step forward and two steps back, and above all we cannot afford to be sending such resources without achieving the national goals of security and the interests we have. That is the best way to make sure we do not lose sight of our goal here and that is also the best way we keep America safe.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHRISTENING OF THE USS ''GRAVELY''

Mr. BURRIS. Madam President, as we prepare to return home to our constituents and to celebrate the Memorial Day weekend, remembering all those who have served and sacrificed in the name of the United States, I would like to single out one veteran in particular.

It is with deep and abiding pride that I rise to salute the late VADM Samuel Gravely, and to mark the christening of a new and remarkable U.S. Navy destroyer, the USS *Gravely*.

At a ceremony last weekend, the *Gravely* became the first Navy ship in U.S. history to bear the name of an African American officer.

When she receives her commission, the vessel will be the most technologically advanced warship on the planet.

It is a fitting honor for the destroyer's namesake, the late VADM Samuel L. Gravely, Jr., who was the first African American to become a Navy officer.

Beginning his career as a seaman apprentice in 1942, amid the chaos of the Second World War, Admiral Gravely first knew a segregated U.S. Navy in which people of color served mainly as cooks and waiters.

Only one ship had a black crew.

That vessel was the USS *Mason*, whose 160 men served under the command of white officers, In 1944, the brave crew of the *Mason* escorted support ships to England during a vicious storm.

They completed this daring mission with valor, even when cracks in the hull threatened to tear their ship apart.

Because of the racial politics of the age, and despite the recommendation of their commander, it took more than 50 years for these brave sailors to receive official commendation.

It was in this climate that Samuel Gravely began his naval career. He retired from a very different U.S. military 38 years later.

Admiral Gravely's years of service included many notable firsts.

He was the first African American to command a combatant ship, the first to command a major warship, the first to achieve flag rank, and the first to command a numbered fleet.

These are remarkable accomplishments by any account, but they are

made all the more impressive when they are considered in the context of the U.S. Navy at the time.

This exemplary sailor achieved greatness in a time when the policies of our Armed Forces too often limited the opportunities available to people of color.

He understood the obstacles he was facing, but he was determined not to bow to the limits imposed by others. He did not let those difficulties stand in his way.

Instead, he turned each challenge into an opportunity to excel.

We should all learn from the example set by this great American hero, who started as an enlisted sailor and overcame extraordinary odds to finish his career as a three-star admiral.

His accomplishments should resonate with all Americans.

Admiral Gravely proved that respect will come to those who work hard to earn it.

His legacy serves as an example for countless young men and women serving bravely in the Armed Forces. Soon, the destroyer USS *Gravely* will stand guard on the high seas, a striking symbol to the world of the remarkable and enduring truth of the American dream.

Generations of sailors will serve on her decks, and as they stand aboard the *Gravely*, they also stand on the shoulders of the man for whom it was named.

Thankfully, the divided society of years past has given way to a new America built on equality, a Nation more free, more fair and more equal, a Nation that cherishes the contributions of all men and women regardless of race, creed or color.

A Nation built through the hard work and bravery of real life trailblazers like Admiral Gravely.

I am extremely proud of Admiral Gravely's achievements, and I am deeply moved by the Navy's tribute to his service.

Like many, I share in the joy that Mrs. Gravely must have felt as this state-of-the-art destroyer was christened with her husband's name.

When this warship is commissioned, it will be more than a fighting tribute to its accomplished namesake.

It will ensure that the outstanding legacy of Samuel L. Gravely, Jr., lives on in the service of the U.S. Navy for years to come.

I can think of no better way to memorialize a true American hero.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Madam President, I wish to speak for a few moments regarding the President's remarks on national security today and about some national security issues in general.

At the outset, let me note that there are some points in the President's message I do not agree with and some points of plain fact he made that should help us clarify some of the issues that have been raised in recent debates over national security. President Obama endorsed the continued use of military commissions with some minor changes. These commissions are historic and certainly appropriate and have been used by nations all over the world. I will reserve judgment on those changes until I see the details, but the President is right when he states that military commissions are ''an appropriate venue for trying detainees for violations of the laws of war,'' though some have not agreed with that.

The President correctly noted: ''Military commissions have a history in the United States dating back to George Washington and the Revolutionary War.''

As the President also noted, military commissions ''allow for the protection of sensitive sources and methods of intelligence gathering.'' That is absolutely true, and it is an important principle in defending America. He also noted that the commissions allow ''the presentation of evidence gathered from the battlefield that cannot be effectively presented in a Federal court.''

In other words, we have strict rules of evidence in Federal courts. Our soldiers are in a life-and-death struggle on the battlefield. They are not police investigators. They are not homicide investigators. They can not be expected to be able to comply with every rule regarding the collection of evidence. Military commissions account for that difference.

It is also reassuring to see that President Obama has stated he will exercise his power as Commander in Chief to detain as war prisoners those al-Qaida members who continue to pose a danger to the United States, but who cannot be tried by a military commission. Some detainees may not be able to be tried by military commissions for legal reasons. For years, we have heard criticism from some of the fringe groups on the left—criticisms that have been echoed occasionally in this Chamber—that we must either try every enemy war prisoner or release them. That has never been the practice in the history of war, and that is not what our law says. This is a notion that cannot be sustained and one that would pose a threat to us if it were ever adopted as policy.

I am glad to see President Obama rejected that notion. As he noted in his remarks today:

> There may be a number of people who cannot be prosecuted for past crimes, but who nonetheless pose a danger to the security of the United States. Examples of that threat include people who have received extensive explosives training at al-Qaida training camps, commanded Taliban troops in battle, expressed their allegiance to Osama bin Laden, or otherwise made it clear they want to kill Americans. These are people who, in effect, remain at war with the United States.
>
> As I said, I am not going to release individuals who endanger the American people. Al-Qaida terrorists and their affiliates are at war with the United States and those we capture—like other prisoners of war—must be prevented from attacking us again.

That is fundamentally true, but some people have a confused notion about that.

Under the Geneva Conventions, even lawful combatants can be detained throughout the duration of a war. When illegal combatants conduct a war outside the laws of the Geneva Conventions and other treaties and laws that deal with the conduct of civilized warfare by deliberately and intentionally bombing innocent men, women and children who are noncombatants, those people are not entitled to be released.

President Obama also stated this morning that:

> We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.

Well, that is hard to know for certain. Attorney General Holder has talked about releasing the Uighurs, a terrorist group focused primarily on China. I don't believe the administration has the legal authority to release these detainees. Recently, according to the Los Angeles Times, some of the Uighurs were watching a soccer game—they allow them to watch television at the Guantanamo Bay facility—and a lady came on with short sleeves. This offended one of the Islamic Uighurs and they jumped up and grabbed the television and threw it on the floor. I point that out simply to say it is difficult to know for certain who is a threat. Many may well harbor a secret determination to attack America as soon as they are released.

I think the President has made clear that he does not have the full and free discretion to simply release al-Qaida members and their fellow travelers into the United States. Federal law expressly bars admission to the United States of anyone who is a member of a foreign terrorist organization. A Federal law we passed some years ago bars admission of any person who is a member of a foreign terrorist organization—pretty common sense, right? If you are going to have lawful immigration policy, you don't want terrorists to be able to immigrating into the country. The law bars admission of anyone who has provided material support to a foreign terrorist organization, and it also bars from this country anyone who has received military-style training at a camp operated by one of these terrorist organizations. The United States Congress decided that these individuals, ones who have ties to or have assisted or who have been trained by groups such as al-Qaida pose a danger to the American people and should not be admitted into this country. That congressional enactment is now the law. It is binding upon the President and the Attorney General, who is charged by the Constitution with enforcing the law.

So when the President states he will not release detainees within the United States, I can only state that I would expect no less. The law requires the President to bar admission to al-Qaida members or material supporters or those who trained in a terrorist camp, and I think he will follow that.

I note his speech also is rather selective, however, in how it cites to: ''The court order to release 17 Uighur detainees that took place last fall.''

The President referred to a court order to release these Uighurs, but he inexplicably failed to acknowledge what happened to that case on appeal. A lower district court judge ordered that they must be released, but the Federal appellate court reversed that order which would have allowed these terrorist to be released into the United States. This February, a couple of months ago in Kiyemba v. Obama, the United States Court of Appeals for the District of Columbia held that the district court did not have legal authority to order the release of the Uighur detainees into this country. These are individuals who have trained in a terrorist camp, a terrorist group that is connected to al-Qaida. A month ago, the U.S. Department of Treasury reaffirmed the determination that they are a terrorist organization. The appeals court could not have been more clear when it wrote:

> Never in the history of habeas corpus has any court thought it had the power to order an alien held overseas brought into the sovereign territory of a Nation and then released into the general population. As we have also said, in the United States, who can come in and on what terms is the exclusive province of the executive branches.

There are other things the President said today that I disagree with. First, President Obama committed himself to banning the enhanced interrogation of al-Qaida detainees. I certainly oppose torture of any detainees. But he went on to state: ''Some have argued'' that these techniques ''were necessary to keep us safe,'' and he said he ''could not disagree more.''

Well, that is not exactly accurate, I have to tell my colleagues.

On September 6, 2006, when President Bush announced the transfer of 14 high-value al-Qaida detainees to Guantanamo, he also described information that the United States had obtained from these detainees as a result of these enhanced interrogation programs. Most people agree many of these enhanced techniques clearly are not torture. Some argue that a few of the techniques may amount to torture; but many say they are not torture. We have a statute that prohibits torture and it defines it pretty clearly.

President Bush noted then that Abu Zubaydah was captured by U.S. forces several months after the September 11 attack. Several months later he was captured. Under interrogation he revealed that Khalid Shaikh Mohammed was a principal organizer of the September 11 attacks. Zubaydah also described a terrorist attack that al-Qaida operatives were planning to launch inside this country—an attack of which the United States had no previous knowledge. Zubaydah described the operatives involved in this attack and where they were located. This information allowed the United States to capture these terrorists, one while he was traveling in the United States. Under enhanced interrogation, Zubaydah also revealed the identity of another September 11 plotter, Ramzi bin al Shibh, and provided information that led to his capture. U.S. forces then interrogated him. Information that both he and Zubaydah provided helped lead to the capture of Khalid Shaikh Mohammed, the person who orchestrated the 9/11 attacks.

Khalid Shaikh Mohammed also provided information to help stop another planned attack on the United States when he was interrogated. KMS provided information that led to the capture of a terrorist named Zubair, and KMS's interrogation also led to the identification and capture of an entire 17-member Jemaah Islamiya terrorist cell in Southeast Asia.

According to President Bush, information obtained as a result of enhanced interrogation techniques also helped stop a planned truck bomb attack on U.S. troops in Djibouti. Interrogation also helped stop a planned car bomb attack on the U.S. Embassy in Pakistan, and it helped stop a plot to hijack passenger planes and crash them into Heathrow Airport in London. On September 6, President Bush said:

> Information from terrorists in CIA custody has played a role in the capture or questioning of nearly every single al-Qaida member or associate detained by the United States and its allies.

He concluded by noting that al-Qaida members subjected to interrogation by U.S. forces have painted a picture of al-Qaida's structure and financing, communications and logistics. They identified al-Qaida's travel routes and safe havens and explained how al-Qaida's senior leadership communicates with its operatives in places such as Iraq. They provided information that has allowed us to make sense of documents and computer records that have been seized in terrorist raids. They have identified voices in recordings of intercepted calls and helped us understand the meaning of potentially critical terrorist communications. Were it not for the information obtained, our intelligence community believes that al-Qaida and its allies would have succeeded in launching another attack against the American homeland. By giving us information about terrorist plans we would not get anywhere else, this program has saved innocent lives.

Well, this was information obtained in the last administration as a result of the enhanced interrogation techniques of al-Qaida detainees. It allowed us to stop terrorist attacks. It allowed us to learn about al-Qaida communications, how it responded and operated. It even allowed us to capture Khalid Shaikh Mohammed, the organizer of 9/11. I don't think anybody here can reliably contend that this information was not valuable. It was valuable.

We have to be careful how we conduct interrogations. I believe the debate over this has helped us clarify the responsibility we have to not participate in torture. But it does not mean that we cannot used enhanced techniques to move a person to the point they are providing information that can help protect this country. We have to be careful that we don't go too far. We have a history of going too far in reaction to matters like this.

One of the things we did is we put a wall between the CIA and the FBI. We said the CIA should not deal with dangerous thugs around the world to get information. After 9/11 it was clearly determined that both of those were bad ideas, and we reversed them immediately.

Nobody in this Congress should suggest that we are incapable of making a mistake. But we have gone 8 years without an attack. That is something of significance. We should be proud of that. We have men and women in the CIA, in the FBI, and in the U.S. military, who are putting their lives on the line right now. I remember being, several years ago, in a foreign country with a history of some violence and terrorism. A man from the CIA met with us. He worked 7 days a week. He had dinner with us at 8 o'clock. He said that was the earliest he had been off duty since he had been there.

They are putting their lives at risk for us, and we need to back them up when we can. If they make a mistake, they need to be held to account for it.

Madam President, I see my colleague from Texas. I assume she would like to make some remarks. I am not sure what the expectation is, but I will just wrap up and say a few more things. This is an important issue. I just don't believe this issue has only one side. I have to tell you, I believed that the President's remarks today reflected a view that only he had the correct view of how these matters should be conducted, and that everybody else who disagreed had less decency than he. I don't think there is any doubt that the work this Nation did after 9/11 stopped further attacks and saved the lives of Americans. It can and should be done, consistent with the laws of this country. But that doesn't mean that unlawful terrorists—not legitimate prisoners of war—cannot be subjected to interrogation. They can be and they have been. I trust that they will be in the future.

The President argued today that releasing the Office of Legal Counsel memos from the Department of Justice and exposing the details of the interrogation and actually tricks that CIA has used will not harm national security because this President has decided not to use those techniques. I simply point out that the war with al-Qaida will not

end with this administration, and future administrations—and even this administration—may need to have access to reasonable interrogation techniques, and providing this information is not the right thing.

It is odd that of all the material released, we have not had further information released from the intelligence agencies that would provide evidence of interrogations that have enabled us to stop other attacks on our country. I don't know why they would not want to release that; they want to release the techniques and a lot of other things.

When the President released the legal counsel's interrogation memos, he excised certain information from the memos and left out other memos entirely. These other memos describe in detail the information that was obtained as a result of the enhanced interrogation of al-Qaida detainees.

If the President really believes these interrogations don't work, I urge him to release these other memos, the ones Vice President Cheney called on to be released. If he believes in full transparency, why don't we see that? We know some of it because it was in President Bush's September 2006 remarks.

Madam President, to sum up, we are in a great national effort. We are now sending 17,000 more troops to Afghanistan. I think President Obama studied that carefully. I know he, like myself and most of us, doesn't look forward to having to send more troops there. He decided it was important for America and our allies and stability in the region and the world that they be sent there. This Congress supported that. So we continue the struggle. It is going to be a long time.

Intelligence is a critical component of our success against the war against the terrorists. That is what the 9/11 Commission told us. That is what the American people understood with clarity. Good intelligence prevents attacks and saves lives. Good intelligence is so valuable, it is almost invaluable. We have to be careful when we set about passing more and more rules that chill the willingness of our investigators and military people to do their job. As we have found from previous spasms, harm to our intelligence community can be the result of irrational, reactionary decisions. We didn't wisely consider this when we put a wall between the FBI and we limited the CIA in these dangerous areas of the world in getting information. I share a deep concern about that.

There is one more thing I will conclude with. The President talked repeatedly in his speech, in a most disparaging manner, about Guantanamo. I think inadvertently, and I am sure unintentionally, I believe he has cast a shadow over the fabulous men and women who serve us there, who participate in running a very fine facility. I would have appreciated it if he had taken the opportunity to clear the air about Guantanamo, our military prison.

Do you know that not one single person was subjected to waterboarding at Guantanamo? Actually, there were only three instances of it, all done by our intelligence agency in a different place. None of that occurred there. I wish he had said that. I wish he had quoted from one of the investigative reports of what happened at Guantanamo.

This is what the finder found: They found one incident in which a series of techniques were used during interrogation, not one of which would have amounted to torturing that person, but all together they concluded it put too much stress on that individual and that it violated the law against torture. Well, that should not have been done.

But to hear the talk about Guantanamo, you would think we are waterboarding people and torturing people constantly. That is just not what happened there. I have been there twice. These are great men and women down there trying to serve our country. They are absolutely committed to trying to extract as much good information as they could to protect America. They are not abusing detainees nor are they violating the law. If they cross that line, they should be disciplined for it. But it is not the kind of thing that is or was systematically occurring.

I wish the President had taken the opportunity—as Commander in Chief of our men and women who sends them into harm's way—to defend and explain that a lot of the allegations about Guantanamo were exaggerated and false.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add more cosponsors to amendment No. 1189. They are Senators COLLINS, SPECTER, KOHL, DORGAN, WEBB, WICKER, and CORNYN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, we are up to 35 Members, over one-third of the Senate, who are saying we need to help the Chrysler dealers who got the blow on May 14 saying they had 3 weeks to basically shut down an entire dealership.

I have been talking to so many of my colleagues on the floor since I offered this amendment who have had stories of friends and people they know, people who sometimes own the largest employer in a city or a county, and the hardship these people are facing. They are facing the likelihood—unless we can get some closure—that they are going to lose, perhaps, their dealerships, and many are going into bankruptcy. They all have big real estate investments, we know that. A car dealership has large amounts of real estate. Usually, it is very expensive real estate. They still owe money, and they are in dire straits right now.

What the negotiation is right now is this: I talked to the president of Chrysler this morning at 8:30. I have talked to the people at the White House who are the task force, the people overseeing the Chrysler and General Motors project, and to Senator STABENOW from Michigan, who has been so helpful in trying to put this together and work with me in a bipartisan way because while she has a Chrysler manufacturing plant, she also has dealers in Michigan, as does Senator LEVIN. So the 35 cosponsors of the amendment are completely bipartisan because we all have these stories, and we know these dealers are not getting a fair chance.

I talked to the President of Chrysler, and he said there would be a letter forthcoming where he would lay out how Chrysler is going to help take the inventory off the books of these dealers that are being shut down—789 across the country. We are talking about 40,000 people working in these dealerships.

We are talking about a lot of lives that are being affected. He said they would put out a letter today—he didn't say close of business, but we agree we both want something out today—that would give these dealers a definitive plan so they would know what they could count on. Not having to worry about inventory was No. 1 on the list. These dealers buy these cars and trucks. They buy them. It is their expense. They buy the parts. They buy the equipment that is unique for the repair of these cars. So they have the risk. Yet they could be stuck with 30 cars or 100 cars. This is sinking them.

I said: I hope you are going to give us something definitive. He said and I believe he is trying to do just that without in any way delaying or disrupting the exit out of bankruptcy, which is in everyone's interest because the taxpayers are paying for the exit out of bankruptcy, and the quicker the better, that is for sure. But these dealers are about to go bankrupt too. We are talking about 40,000 employees of these dealers. I think it is important that we look at them as effective people.

It is now a quarter of six. I just talked again with the president of Chrysler. He says we will have a letter within minutes. Actually, it was 15 minutes ago that I talked with him. He said it would be just a few minutes and they would get something to me.

I am going to tell you right now, Madam President, and I am going to tell all of my colleagues, we are not passing this bill. We are not going to shorten the time. We are not going to have a unanimous consent agreement until I have a letter that will assure these dealers of what they can expect from Chrysler that will, hopefully, give them the clarity they need to be able to say: OK, I don't have to worry about cars and trucks and parts and specialized equipment. I can now worry about making the payments on my real estate. I can worry about my employees

whom we are having to let go and worry about the effect on the community. I can worry about all those things, but the big things that can be handled by Chrysler and the task force will be handled. That is what I am looking for.

I am putting everyone on notice that this bill is not going to have any shortened time period under a UC until I can see that letter. Senator STABENOW stands with me to try to make sure we are doing something that will be adequate.

I will say, Senator ROCKEFELLER, too, is very concerned. He and Senator BYRD sent a letter to the CEO of Chrysler and General Motors to object strongly to the handling, the treatment of the dealers. Senator ROCKEFELLER as the chairman and I as the ranking member of the Commerce Committee are now talking about having a hearing with those CEOs and representatives of the dealership group as soon as we get back. That will be the week after next.

I am waiting, hoping, with all of the good-faith efforts that have been made today by the White House, by the president of Chrysler and his team, and all of the Senators who have signed on as cosponsors of this amendment.

I ask unanimous consent that Senator LINCOLN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I think the Senator from Arkansas, who is working very hard on trying to get an amendment into this bill as well. She is in the Chamber. I appreciate her also coming in and saying: We are a bipartisan team, and we want results for these dealers who have been so badly treated up to this point. I am hoping that will change in the next few minutes and we will see a light at the end of the tunnel for these dealers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I state for the record that the Commerce Committee hearing on the auto dealerships has been set for June 2 at 2:30 p.m. This is a very important hearing where we are going to have representation from the automobile manufacturers, as well as the automobile dealers. I hope that will shed some light on what we can do to help these dealers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we have an emergency situation all over, in about 20 or 25 States, that I explained to the Senate yesterday, involving imported Chinese drywall which, when exposed to heat and humidity, is emitting gases that are making people sick in their homes, that is in fact corroding all of the metal, that is going after the copper tubing in the plumbing and the air conditioners—so much so that they are having to replace the air conditioners—in some homes, over the course of the last 3 or 4 years, having to replace the air conditioner three times.

We had, in front of Senator INOUYE's former committee, the Commerce Committee, of which he obviously is still a member but he is now the chairman of the Appropriations Committee—we had in front of the committee a panel of the people from the various agencies, and the representatives from the Consumer Product Safety Commission as well as the EPA wanted to do the next test. They did the first test and they compared Chinese drywall to American drywall and they found out that what was different is that the Chinese drywall had sulfur, it had strontium, and it had elements found in acrylic paint. But they drew no conclusions, so they want to do the next test.

The next test would be under controlled conditions, to put it in a situation where they simulate heat of the United States summer, and humidity, and then see the gases that are emitted from it and determine to what degree, then, are they harmful to people who are having all these effects of respiratory problems, they can't breathe—it is exacerbating their allergies, it is exacerbating things such as asthma—and in some cases their pediatricians have said to the mom and the daddy: Get these children out of the house. Yet they still have a mortgage payment and where are they going to go? If they don't have other family to move in with, they have to rent, yet still pay on the mortgage. And oh, by the way, the bank is not working with them to give them some relief on their mortgage. So we have homeowners who, as we say in the South, are in a fix; they do not know what to do.

We need to go to the second test. That second test is estimated to be $1.5 million.

Senator LANDRIEU, Senator VITTER, and a whole bunch of us had offered an amendment that was going to say it had to come out of the CPSC's funds, no new appropriation, but we can't get this passed here since we are in gridlock over this supplemental appropriations bill and we are down to the wire.

What I would like to do—and only by the gracious generosity of the chairman of the Appropriations Committee—he has offered to indicate his interest and willingness to make sure that the EPA and the CPSC are being directed by the Congress to do this test so we can get it to the next step without wasting any more time.

The CPSC told us today, in the Commerce Committee, they have plenty of money to do it. The EPA said they have funds to do it. And they are both willing to do it. The problem is we don't know, since they are midlevel managers, if the head of the CPSC is going to be willing to do this, since the head is a short termer and she has not been that cooperative in the past.

So I invite the very distinguished Senator from Hawaii, the chairman of the Appropriations Committee, to state if he, as he indicated so graciously, would be willing to pour the full weight of the Appropriations Committee behind this effort not to waste any time and to have the EPA and CPSC do this test for the sake of the health of our people.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I shall be honored and privileged to join the Senator in his mission. It is a valid one and I hope one this full Senate can approve at some later date. I will be most pleased to join him in any sort of letter he will be writing to the authorities. I can assure my colleague that the full impact of my office will be at his disposal.

Mr. NELSON of Florida. The Senator is so gracious, and he always has been, I say to my colleague, Senator INOUYE.

Mr. DURBIN. Will the Senator from Florida yield?

Mr. NELSON of Florida. Yes, absolutely, to the distinguished Senator from Illinois.

Mr. DURBIN. I happen to chair the subcommittee responsible for the Consumer Product Safety Commission and I have listened to the Senator's presentation. The Senator told me last night that some of this suspect Chinese drywall may be in my home State so I want to get ahead of the curve and join him in this effort. Let's get this analyzed as quickly as possible, and if it poses any danger we ought to know it. I put the Consumer Product Safety Commission on notice, with Senator INOUYE and yourself and many others, that we expect them to take this very seriously on a timely basis.

Mr. NELSON of Florida. With those very generous assurances by these esteemed Senators, I am grateful, Mr. President, and I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS

Mr. DURBIN. Mr. President, for the past year, I have been working to bring attention to the human rights abuses occurring around the world, including little-known political prisoners who are languishing in prisons in farflung reaches.

Too many jails still overflow with prisoners of conscience whose only crime is to expect basic freedom, human rights, and due process. I undertook this effort with the understanding that it would not be easy. I have dealt with these governments in the past, and many times they are unresponsive. Few repressive regimes want to address human rights records, and in some of the smaller countries where these human right abuses are taking place, it takes quite an effort to get their attention.

Through our annual human rights reporting at the State Department, our diplomacy and steady public pressure on basic human rights, the United States has traditionally been a champion and source of hope around the world for those suffering human rights violations.

I might add, parenthetically, that I wish to thank Senator PATRICK LEAHY for, again, this morning reauthorizing my Subcommittee on Human Rights and the Law, a subcommittee which I chaired over the last 2 years.

I worried that in recent years America has not raised its voice enough in these kinds of cases, and we should not forget that for some people whose lives seem so desperate, a little effort on our part can make a dramatic difference.

Take, for example, the appeal made by Burmese Nobel Prize winner Aung San Suu Kyi, who has remained under house arrest in Burma for most of the last 19 years. She is in deteriorating health and was apparently moved to a notorious prison this week.

I think this is clearly a situation where we know she needs our attention and help. Most people have read the account in the newspapers about her problems and understand she was victimized by an American who somehow managed to get into her home, and in entering her home and staying overnight, violated the law, or apparently violated the law.

I certainly hope, at the end of the day, that her house arrest will come to an end and this poor woman will be given a chance to have freedom which she richly deserves. I am not going to read this entire statement, as it contains many names of foreign origin that may be difficult for me to pronounce and for our reporter to keep up with.

Today, I am pleased to report the release of one of the first of the political prisoners my efforts have focused on, specifically a case in Turkmenistan.

Earlier this year I raised my concerns with the Government of Turkmenistan about four Turkmen political prisoners. These prisoners have languished in jail for years after being convicted of spurious charges at trials that failed to meet minimum international standards. Some have families with children; some are of advanced years and reportedly in poor health.

I had hoped that the new government in Turkmenistan would take important and forward-thinking steps toward releasing political prisoners from an earlier era.

Earlier this month, one such political prisoner in fact, the longest serving political prisoner in Turkmenistan Mukhametkuli Aymuradov, was unconditionally released after 14 long years of confinement.

I want commend this decision and strongly encourage the Government of Turkmenistan to take similar actions for all other remaining political prisoners, including: Gulgeldy Annaniyazov, a long-time political dissident who was arrested, apparently on charges that he did not possess valid travel documents, and sentenced to 11 years imprisonment; and Annakurban Amanklychev and Sapardurdy Khadzhiev, members of the human-rights organization Turkmenistan Helsinki Foundation, who were sentenced to 6-to-7 years in jail for reportedly ''gathering slanderous information to spread public discontent.''

The freeing of Mr. Aymuradov is an important first step, but more are needed.

I want to conclude by returning to the still unresolved case with which I started this effort, that of journalist Chief Ebrima Manneh from the small west African Nation of The Gambia.

Mr. Manneh was a reporter for the Gambian newspaper, the Daily Observer. He was allegedly detained in July 2006 by plainclothes National Intelligence Agency officials after he tried to republish a BBC report mildly critical of President Yahya Jammeh.

He has been held incommunicado, without charge or trial, for 3 years. Amnesty International considers him a prisoner of conscience and has called for his immediate release.

Three years without the government even acknowledging it took one of its own citizens, without telling his family where he is being held, this is reprehensible. It is outrageous.

The Media Foundation for West Africa, a regional independent nongovernmental organization based in Ghana, filed suit on Mr. Manneh's behalf in the Community Court of Justice of the Economic Community of West Africa States in Nigeria. This court has jurisdiction to determine cases of human rights violations that occur in any member state, including The Gambia.

In June 2008 the Court declared the arrest and detention of Mr. Manneh illegal and ordered his immediate release. A petition has also been filed on his behalf with the United Nations Human Rights Council's Working Group on Arbitrary Detention, and a decision from this body is expected soon.

Yet despite the judgment of the court, as well as repeated requests by Mr. Manneh's father, fellow journalists, and me, the Gambian Government continues to deny any involvement in his arrest or knowledge of his whereabouts.

Mr. President, America has been wrongly defined by our critics since 9/11. We need to define our values as a caring Nation, dedicated to helping improve the lives of others overseas, including those living under repressive governments. Doing so is an important statement of who we are as a Nation.

Five other Senators, including Senators FEINGOLD, CASEY, MURRAY, LIEBERMAN, and KENNEDY, joined me in a letter last month to Gambian President Jammeh about the detention of a Mr. Manneh. Our request was simple, and I hope the Gambian leadership will respond to it.

We are in contact with them in an effort to try to come to some reasonable conclusion to this situation. Doing so is so important for the people whose lives are at risk and for our reputation in the world.

I yield the floor and 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. BROWN. 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. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE POLICIES

Mr. BROWN. Mr. President, our economy, as we know so well, struggles with massive job losses, a shrinking middle class, and an economic crisis that undermines the pursuit for far too many Americans and the American dream.

In 2006, voters in my State of Ohio, from Marietta to Cleveland, from Van Wert to Youngstown, spoke out with one voice demanding a change in our Nation's trade policy. In 2008, they reaffirmed that call with good reason, as Senator Obama, again, pointed out the problems with Bush trade policy that our trade deficit was literally $2 billion a day during the last 2 years in the Bush administration.

Ohio has suffered more than 200,000 manufacturing job losses since 2001. The first President Bush pointed out that a billion dollars in trade deficit translates into 13,000 lost jobs. Do the math. For too long we have been without a coherent trade strategy with no real manufacturing policy.

Most of our trade deficit is due to a manufacturing deficit. Current policies have failed to deliver on good jobs and on stability.

Today, in committee, the Senate Finance Committee held a hearing on the

Panama Free Trade Agreement. I do not think the American people are demanding a trade agreement with Panama. What I hear people in Ohio demanding is a new direction. I hear people demanding change on trade, change on our economic policy, change on our Nation's economic strategy. I hear people asking lots of questions about the economic course we are on.

I hear people worried about our manufacturing base. I hear Ohioans say that for every day not spent enforcing trade law and not reforming our trade policy, there are manufacturers eliminating jobs.

Since 2000, the United States has lost 4 million manufacturing jobs, not all because of trade but for a lot of reasons—but much because of trade. In the last decade, some 40,000 factories have closed nationwide, 40,000 factories have shut down.

A continuing loss of U.S. manufacturing means more unsafe imports, a greater dependence on foreign factories to produce both our everyday consumer goods and for our national security and military hardware.

A 2008 EPI study found the United States has lost more than 2.3 million jobs since 2001 just as a result of our trade deficit with China. Again, our trade deficit with China is over $200 billion. The first President Bush said that a billion-dollar trade deficit was 13,000 lost jobs.

China uses illegal trade practices, such as dumping, such as subsidies, such as currency manipulation, to undercut U.S. manufacturers.

When Congress approved China's PNTR, Permanent Normal Trade Relations—when Congress approved the legislation to start the ball rolling on China's inclusion into the World Trade Organization, then it made commitments, China made commitments to gain greater access to U.S. markets. They got the access to the U.S. markets, but, unfortunately, China has not been held to those commitments.

Think about toxic toys, think about the toys with lead-based paint on them that came into the United States, think about the ingredients made in China put in Heparin, the blood thinner that killed several people in Toledo, OH, and others around the Nation.

These are the trade issues people want action on, on jobs, on safety, on consumer protection. These are the trade issues I hope the Obama administration is focused on, not the trade agreement with Panama.

Let's talk for a moment about the Panama agreement. It is, of course, an agreement negotiated under the Bush administration's fast-track negotiating. This is not an Obama trade agreement, this is a Bush trade agreement. As we remember, Senator Obama in his campaign was very critical of the Bush administration's trade policy.

The Presiding Officer was in the House of Representatives in those days, as I was, in 2002, when fast track—the negotiating authority extended to President Bush to give him more power to negotiate trade agreements—passed the House by three votes in the middle of the night, and the rollcall was kept open for over 2 hours in the last week before the August recess.

The Panama agreement was one of the last deals negotiated and signed by President Bush. Under the fast-track authority given to him that night in 2007, there were important improvements to the labor and the environment chapters of the Panama agreement. This reflected the work of many in Congress, including the Finance Committee in the Senate, the Ways and Means Committee in the House.

Yet there remains serious concerns about this agreement. Many in Congress have expressed concerns about the safe haven Panama affords to companies looking to skip out on their taxes. What does that mean? It means there is a way to evade taxes by moving business activity offshore.

Yesterday, Congressman SANDER LEVIN and Congressman LLOYD DOGGETT wrote the Panama's serious tax evasion issues require a serious remedy before Congress can even consider the Panama trade agreement.

The issues about tax evasion are even more serious when the Panama Free Trade Agreement includes rules on corporate investor protections. These are rules that shift more power to corporations and away from the democratic process. In other words, these trade agreements have loaded up in them all kinds of protection for the drug companies, the insurance companies, the energy companies, not so many protections for workers, for the environment, for consumer protection, for food safety.

It is part of the old model that gives protections to the large companies, protections to large corporations, protections to Wall Street, while not ensuring protections for workers and food and product safety.

Panama and the free-trade agreement, as it is written, means more of the same failed trade policies rejected by working families across the Nation. For too long we have seen the pattern: the North American Free Trade Agreement, NAFTA; the Central American Free Trade Agreement, CAFTA; China PNTR, the Panama Free Trade Agreement.

We need to stop the pattern where the only protectionism in free-trade agreements are protecting the drug companies, protecting the oil industry, protecting the financial services companies, many that have created the economic turmoil we now face.

Let me explain it another way. This is not actually the Panama Free Trade Agreement, but it is about this length. It looks about that much. If we were concerned with tariffs, which is what they always say when they talk about the Panama trade agreement, this trade agreement, to eliminate tariffs on American products in Panama, this trade agreement would only need to be about three or four pages.

But it is much longer. You know why? You have to have this section for protection for oil companies. You have to have this section for the protections for the insurance companies. You have to have this section for the protection for the banks. You have to have this section for the protection for the drug companies.

But there is nothing left protecting consumers, protecting food safety, protecting workers, protecting the environment. These are protectionist trade agreements, all right, but they are protecting again the drug companies, the insurance companies and other financial institutions and others.

If this trade agreement were solely about trade and tariffs, literally, it would be only this long. It would simply be a schedule of how you eliminate these tariffs, just repeal the tariffs that apply to American goods that are sold in Panama.

When people say Panama has access to the U.S. market, all we are asking is to eliminate the tariffs so we have access to the Panama market. People who tell you that are the same lobbyists around here who represent the drug companies and the insurance companies and the banks and the oil companies. Remember that.

For too long we have seen the status quo in trade policy that gives protections to big oil and big business. That is not acceptable.

A status quo trade policy that suppresses the standards of living for American workers, and I would also say suppresses the standard of living of what we should do in the developing nations for workers, that is not acceptable. A status quo trade policy that fails to effect real change on how we do business in China is not acceptable.

For 8 years, the Bush trade policies were, in fact, protectionist—protecting the oil industry, protecting the insurance companies and the banks and the drug companies. They were protectionist and they were wrong-headed.

We should not continue these Bush trade policies. That is what is disturbing about this body. Even considering the Panama Free Trade Agreement, we know the Bush economic policies did not work and look at the damage to our economy. Look at our trade deficit. Look at our budget deficit. Why would we adopt a Bush trade agreement when we know its trade policies failed us abysmally?

In November 2008, voters from Toledo to Athens, from Lorain all the way down south to Ironton demanded real change, not symbolic change. We need agreements to be reshaped by the Obama administration, not just tinkered with around the edges and then stamped ''approved.'' Make no mistake, as Senator DORGAN from North Dakota says, we want trade, and we want plenty of it. But we don't want trade under rules that protect insurance companies, drug companies, financial institutions, and the oil industry. We want agreements that work for workers and

consumers, for children, with safer toys. It is not a question of if we trade but how we trade and who benefits from trade. We must create a trade policy that helps workers and businesses thrive, especially small businesses and manufacturing, that will raise standards abroad, increase exports, and rebuild middle-class families in Ohio communities.

Our new trade policy must provide critical solutions to the Nation's economic recovery strategy. Reforming trade policy starts with a comprehensive review of the overall trade framework. We need a review of trade negotiating objectives. That is what I am bringing to the floor in legislation. We need a review of the programs responsible for enforcing trade rules and promoting exports. I am asking the GAO to look at many of these questions as we prepare for the trade act and other legislation we will consider. It is only one step.

We have a responsibility to deliver on the demand to change trade strategy. Recycling of Bush-negotiated trade agreements such as that with Panama is not a first step. It is the wrong step. The Obama administration, I hope, will join with Congress in review and reform of our trade strategy. The days of turning away from our responsibility are over.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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. 1189

Mrs. HUTCHISON. Mr. President, the Senator from Michigan, Ms. STABENOW, and I have been working all day with the Chrysler president and his team and with the White House and their team and the task force and their team to try to give the assurances to the 789 dealers who are going to be put out of business across our country by Chrysler—with the 3-week notification—that they will be able to recoup the cost of the inventory that has been left on their property and in their dealerships.

I said I was going to hold up any shortening of time period for this bill to be considered until I got a letter of assurance. The original amendment, for which we have 37 cosponsors, was to extend the time by 3 weeks to allow the dealers to be able to sell more inventory, have a more orderly transition.

In fact, what we have done, in consultation with the dealers, I think is going to be much better. It is not everything they had hoped for, but if there is good faith in this effort, it is going to be good for the dealers. But it will take good faith.

Here is the letter the president of Chrysler, James Press, has sent to me. And Senator STABENOW as well has been one of the people who has been talking about this and negotiating.

The letter says:

Dear Senator Hutchison:

I assure you that our process for redistributing the product from OldCo dealers—

Who are the old company dealers who are going to be put out of business—

to NewCo dealers—

Who are the dealers who will survive—

is designed to assure that products flow quickly and efficiently from every OldCo dealer. As part of this process, we will ensure that the OldCo dealers receive a fair and equitable value for virtually all of their outstanding vehicle and parts inventory. We have more than 200 representatives in the field that are working to ensure that we make good on this commitment as quickly as is practical. We have a very robust system in place to manage the sales to NewCo dealers as well as the inspection and shipment to the new dealer.

Thanks to your input today we have added a new set of assurances and information for the OldCo dealers, with the intention of removing some of the uncertainty that naturally surrounds this process. Each OldCo dealer will receive a daily report which specifically outlines each unit of inventory and its place in the transition process.

We share the objective of selling these vehicles as quickly as possible to protect residual values. We are committed to sell every unit possible by June 9, prior to resumption of production [of the company].

Thank you for your time and interest today. Our goal is to ensure that every dealer realizes a soft landing and is able to transition smoothly.

Senator STABENOW and I called Mr. Press for a clarification of some of the parts of this letter. The biggest concern, of course, that the dealers have is getting the inventory they have paid for off their books. That is their biggest concern.

We were assured that the 200 representatives who are going out to help this orderly and quick transition will make every effort to expedite the transition to the surviving dealerships as quickly as possible. This will include specialized tools, as well as parts, inventory, and outstanding vehicles.

I said: What happens after June 9? Because the June 9 deadline is good when you are trying to expedite, but then you are not saying that you will not keep helping after June 9. They said: Absolutely not. Mr. Press said they will certainly continue to help until every part of this transition of this inventory is disposed of. And the help will be there after June 9. That was the assurance that was given.

The major thing that has happened that has been helpful is that GMAC has received—as we all know because it is public—in the range of $7.5 billion for financing, which will be available to the new surviving dealerships—Chrysler, and I am sure General Motors as well—and so the new dealers will have the ability to finance the taking of the inventory off of the dealers who are going to be put out of business.

So that is probably one of the most important components here because there had to be a lending source for the new dealers to absorb the new inventory.

I think the biggest concern left for the dealers is the floor plan loans they have for the inventory that is there and how that would change after June 9. I asked that question. And basically the answer is: We are going to try to do everything possible to get these transitions out before June 9 so you will not have, hopefully, the problem of loans being modified.

So that is the essence of the conversation and questions I asked for clarification. I ended by saying that I think we are much further ahead now than we were when the letter arrived on May 14 to the dealers saying: We are not going to buy inventory, we are not going to buy parts, and we are not going to buy the specialized tools, and you have 3 weeks to deal with this. We have come a long way from there.

I said to Mr. Press, and to his team, that I did appreciate this effort and the better clarification, but we will know in 2 weeks if the good faith that is represented in this letter is, in fact, implemented. And they agreed with that.

I think we have made a step in the right direction—when my dealers call and say: Under the circumstances, it is not what we had wanted, but we have been treated as fairly as possible and have certainly gotten the relief from the burden of inventory so we can deal with the employees who will not be with us anymore, and the land and the real estate and the other costs of closing an ongoing business.

So I will say to my colleague from Michigan, I do not think any of this would have happened without her stepping in. And hands-on efforts were made to bring the White House in, Chrysler in, my staff, her staff. So it was certainly a team effort.

I want to thank the 37 cosponsors of my amendment because I think that was a clear indication that over one-third of this Senate was not going to let this go the way it had been left at the time. So if there is good will in this whole effort for the next 2 weeks, then I am optimistic it will have a good result.

Mr. President, I ask unanimous consent that the letter written to me by James Press today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRYSLER,
MAY 21, 2009.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I assure you that our process for redistributing the product from OldCo dealers to NewCo dealers is designed to assure that products flow quickly and efficiently from every OldCo dealer. As part of this process, we will ensure that the OldCo dealers receive a fair and equitable value for virtually all of their outstanding vehicle and parts inventory. We have more than 200 representatives in the

field that are working to ensure that we make good on this commitment as quickly as is practical. We have a very robust system in place to manage the sales to NewCo dealers as well as the inspection and shipment to the new dealer.

Thanks to your input today we have added a new set of assurances and information for the OldCo dealers, with the intention of removing some of the uncertainty that naturally surrounds this process. Each OldCo dealer will receive a daily report which specifically outlines each unit of inventory and its place in the transition process.

We share the objective of selling these vehicles as quickly as possible to protect residual values. We are committed to sell every unit possible by June 9, prior to resumption of production.

Thank you for your time and interest today. Our goal is to ensure that every dealer realizes a soft landing and is able to transition smoothly.

Please feel free to contact me anytime.

Sincerely,

JAMES E. PRESS,
Vice Chairman & President.

Mrs. HUTCHISON. I yield for Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

Of course I want to thank Senator HUTCHISON. Without her leadership, without her effort and her amendment, we would not have what I believe and am very hopeful will be an important, positive solution to help our dealers rather than leaving them on their own in the middle of what has been a very horrible time as it relates to Chrysler and General Motors and actually the auto industry around the world in terms of what has been happening.

I thank Senator HUTCHISON because she has been very tenacious and very effective, and it has been my pleasure to partner with my friend from Texas to achieve something that I believe is positive.

Before we started this process, the dealers were on their own. That was wrong. As a result of working together, and I should say working with Chrysler—and I appreciate all of their efforts in, obviously, an extremely difficult time for them. I appreciate their working with us. I appreciate President Obama and the auto task force for being the linchpin in terms of giving us a solution in terms of what they were able to do around financing. And I thank all of our colleagues who have been involved.

But we basically have two things. We have the dealers being able to get floor plan financing, which we have been working on for a long time—to be able to get that so, as Senator HUTCHISON said, the 75 percent of the dealers who will remain in business will have the opportunity to finance the purchase of the acquisition of inventory from the dealers who are going to be going out of business.

The second thing is there is now a plan and a commitment to work through this process in terms of inventory and being able to support the dealers in a very difficult time.

I feel very close to this issue, not just because I represent Michigan, an automobile State, but my father and grandfather were car dealers in a small town in northern Michigan. I grew up on a car lot. My first job was washing the automobiles on the dealership lot. I know what this is about: small businesses all across Michigan, all across this country, folks who do sponsor the Little League teams. Senator HUTCHISON and I were talking about the ads in the paper, and the supporting the community, and all that goes on. I lived it. I saw it. It is absolutely critical we do everything we can in this incredibly difficult time to support them.

So I am very pleased we have been able to come together with this. I do wish to put in one little plug for when we come back from this next week. Senator BROWNBACK and I are offering a bipartisan effort in the form of an amendment to incentivize purchasing vehicles which, I believe, is really the second stage to helping these dealers. It has been dubbed the ''cash for clunkers'' or fleet modernization. The bottom line is we want to be able to incentivize getting people back into those dealerships to be able to buy automobiles. I am going to put a big sign out saying ''Buy American'' because that is what we want everybody to do.

So I am hopeful phase 2 will come after the break. This is very important. I would again say it would not have happened without Senator HUTCHISON and all of her leadership. It has been my great pleasure to work with her in crafting this solution.

Mrs. HUTCHISON. Mr. President, I wish to thank again the Senator from Michigan. It was certainly a difficult position for her to, of course, have the manufacturers—GM and Chrysler—but also to have the dealers that are all over Michigan. I think the tireless efforts we had all day today will hopefully end in the next 2 weeks with the implementation of as fair as possible dealings with the dealers that we could possibly have.

Mr. President, I wish to add Senator THUNE as a cosponsor of amendment No. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I appreciate my colleague, and I so appreciate the 39 cosponsors of this amendment who stepped up to the plate and said this has to be fixed. In the end, that made a big difference. I wish to thank my colleagues who have been very bipartisan.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I ask it be in order to make a point of order en bloc against the pending amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Therefore, Mr. President, I make a point of order en bloc that all pending amendments are not in order postcloture except the following: Leahy, No. 1191; Brown, No. 1161; Corker, No. 1173; Kaufman, No. 1179, as modified; McCain, No. 1188; and Lieberman-Graham, No. 1157; further, that amendments No. 1161, No. 1173, No. 1188, and No. 1157 be modified with changes at the desk, and once those are modified, the above six amendments, as modified if modified, be agreed to en bloc; that the motions to reconsider be laid on the table en bloc; and the following amendments be considered and agreed to in the order listed: Lincoln, No. 1181 and Hutchison amendment No. 1176, as modified; and that the motion to reconsider be laid on the table; further, that the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees, with the Senate Appropriations Committee appointed as conferees.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, regretfully I have to reserve the right to object. I have to check on one thing. Shall we enter a quorum call?

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendments Nos. 1167, 1189, 1143, 1147, 1156, 1164, 1144, and 1139 are nongermane, and they fall for that reason.

Amendment No. 1185 is ''sense of the Senate'' language and is therefore dilatory under cloture. It falls for that reason.

AMENDMENTS NOS. 1191; 1161, AS MODIFIED; 1173, AS MODIFIED; 1179, AS MODIFIED; 1188, AS MODIFIED; AND 1157, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. Under the previous order, amendments Nos. 1191; 1161, as modified; 1173, as modified; 1179, as modified; 1188, as modified; and 1157, as modified, are agreed to en bloc, and the motions to reconsider are considered made and laid upon the table.

The amendments Nos. (1191 and 1179, as modified) were agreed to.

The amendments as modified, were agreed to as follows:

AMENDMENT NO. 1161, AS MODIFIED

On page 107, line 16, insert the following:

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in government spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

AMENDMENT NO. 1173, AS MODIFIED

On page 97, between lines 11 and 12, insert the following:

AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 30, 2010 and every 120 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) FORM.—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO 1188, AS MODIFIED

At the end of title XI, add the following:

SEC. 1121. (a) ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA.—The amount appropriated by this title under the heading ''Assistance for Europe, Eurasia and Central Asia'' may be increased by up to $42,500,000, with the amount of the increase to be available for assistance for Georgia.

AMENDMENT NO. 1157, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) that is a photograph that was taken between September 11, 2001 and January 22, 2009 relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) A timely notice of the Secretary's certification shall be provided to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) Nothing on this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SEC. _____. SHORT TITLE.

This section may be cited as the ''OPEN FOIA Act of 2009''.

SEC. _____. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statue (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

AMENDMENTS NOS. 1181 AND 1176, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. Under the previous order, amendments Nos. 1181 and 1176, as modified, are agreed to, and the motions to reconsider are considered made and laid upon the table.

The amendment (No. 1181) was agreed to.

The amendment (No. 1176), as modified, was agreed to, as follows:

AMENDMENT NO. 1176, AS MODIFIED

At the appropriate place in the bill, insert the following:

SEC.__. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111–5 relating to disaster declaration DR–1791 (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or 2010.

AMENDMENT NO. 1139

Mr. LEAHY. Mr. President, this week, Senator CORNYN insisted on offering an amendment to the emergency supplemental appropriations bill that is most unfortunate. It is an amendment that is so broad in scope and, I believe, wrongheaded, that I felt I should note my disagreement. As a former prosecutor, I am troubled that the Senate is being called upon to prejudge matters that have yet to be fully investigated. This amendment is a classic example of putting the cart before the horse.

I have proposed a Commission of Inquiry in order to move these debates outside of partisan politics. An independent and nonpartisan panel taking a comprehensive approach is better positioned to determine what happened. Before the Senate starts pontificating about who should and should not be investigated, sanctioned, ethically disciplined or prosecuted, would it not be a good idea to know what took place?

I was encouraged to hear Senator CORNYN call for ''an end to the poisonous environment that has overtaken the debate about detention and interrogation policy in the aftermath of September 11th, 2001.'' I agree and that is why I proposed taking the matter out of partisanship and away from political institutions. That is not what the amendment does, however. First, Senator CORNYN styled this as a sense of the Senate making overly broad findings, now he has stripped those findings from this amendment, and is doing something even more nonsensical, trying to prohibit the use of funds for something that funds are not even provided for in the emergency supplemental.

An amendment politicizing decisions about investigations and prosecutions is not the right approach. We should have closed the book on efforts to have partisan interests infect Federal law enforcement decisions when we lifted

the veil on the Bush White House's manipulation of U.S. attorney firings. Some of us have worked very hard to restore the U.S. Department of Justice to be an institution worthy of its name and to again command the respect of the American people.

Senator CORNYN spoke on the floor this week about learning together from our past mistakes. I, again, invite all Senators from all parts of the political spectrum to join my call for a nonpartisan investigation to do just that.

The Justice Department has yet to finish a 5-year inquiry regarding whether some of the lawyers responsible for the Office of Legal Counsel opinions that justified brutality acted in ways that failed to meet professional and ethical standards. It was a Republican ranking member on the Judiciary Committee who earlier this year said that if the news reports of how those memoranda came to be generated are true, there may have been criminal conduct involved. President Obama and the Attorney General have been very forthright in saying that those who relied on and followed the legal advice in interrogating prisoners would not be prosecuted.

What needs to be determined, and has not, is how we came to a place where the United States of America tortured people in its custody in violation of our laws. Those legal opinions have been withdrawn. One of the earliest was withdrawn by the Bush administration in advance of the confirmation hearing on Alberto Gonzales to be Attorney General, and others were limited in the final days of the Bush administration. What we do not know and what this amendment is geared toward covering for, is the role of the former Vice President and his staff, the role of the Bush White House in generating those opinions legalizing brutal interrogations.

Last week, the Judiciary Committee held our most recent hearing into these matters. I thank Senator WHITEHOUSE for chairing the hearing before the Subcommittee on Administrative Oversight and the Courts. Philip Zelikow testified about how dissent over the legal justifications and implementation of these practices was stifled and overridden. Ali Soufan, the FBI interrogator of Abu Zubaydah, testified about his success using traditional interrogation techniques, and about how ineffective and counterproductive the use of extreme practices was in that case. And Professor David Luban critiqued the released memoranda as legally and ethically dishonest.

Last week also evidenced, yet again, why the approach of an independent, nonpartisan review is the right one. Partisans defending the Bush-Cheney administration's actions chose not to look for the truth, but to mount partisan attacks. They have succeeded in fulfilling the prophecy they created—that any effort to consider these matters would break down into partisan recriminations—by themselves doing just that. They elevated the minor role of a former minority member of the House Committee on Intelligence into their principle concern, thereby ignoring the driving force of the former Vice President, other officials in the Bush-Cheney administration, and the complicity of the Republican congressional officials who were in control of both the House and the Senate. They raised straw men, went on witch hunts, and sought to distract from the fundamental underlying facts. All they really succeeded in demonstrating is that they will continue to view these matters through a partisan lens, and that they have yet to show any willingness to join in a fair, nonpartisan inquiry. Their recent actions reinforce why we need the independent, nonpartisan inquiry for which I have been calling over the last several months.

For those who have reflexively opposed my proposal for a comprehensive, nonpartisan, independent inquiry, I ask these questions: If we never find the truth and understand the mistakes we have made, what incentive is there to avoid them in the future? What guarantee is there that the Government will not repeat the same mistakes? What incentive will future administrations have to respect the very rule of law that distinguishes us as a nation? The risk that the past will again be prologue is too great to take simply because it is not easy to face the truth.

I continue to believe that we must know what happened, and why, to ensure that America does not go down this dark road, again. Before we turn the page, we need to read the page. We should proceed without partisanship, not as Republican or Democratic politicians, but as Americans who recognize, as Philip Zelikow testified last week, that torture was ''a collective failure and it was a mistake.''

During the last several weeks, we have seen the release of the Senate Armed Services report documenting the complicity of top Bush-Cheney administration officials. News reports have indicated that in April 2003, after the invasion of Iraq, the U.S. arrested a top officer in Saddam Hussein's security force, and that some acting on behalf of then Vice President Cheney urged the use of waterboarding in an effort to coerce a ''confession'' supporting the link between al-Qaida and Iraq. That link, of course, has proven to be an illusory justification for the war, as were the nonexistent stockpiles of nuclear weapons and others weapons of mass destruction. Likewise, COL Larry Wilkerson, former chief of staff to President Bush's first Secretary of State, has written that these brutal interrogations, conducted in the spring of 2002 before the legal authorizations of the OLC memoranda were crafted, were aimed at the ''discovery of a smoking gun linking Iraq and al Qaida.'' Perhaps these reports help explain why former Vice President Cheney continues to adamantly support these discredited practices. Perhaps they explain why the proposed amendment's language is so vague with regard to those who, in its words, ''provided input into the legal opinions.''

There are strong passions on all sides. It is not only former Vice President Cheney and his apologists who feel strongly. There are those who will not be satisfied by anything less than prosecutions for war crimes. I have always believed that there is a fundamental middle ground, one that focuses on the most important issue at stake—finding out what happened and why.

I appreciate the support of so many who have rallied to this idea of a nonpartisan commission and a comprehensive review of what took place. Ambassador Thomas Pickering and Philip Zelikow, the executive director of the 9/11 Commission and a former State Department counselor, have both testified in favor of this idea. Former Bush administration official Alberto Mora, and the former FBI Director under President Reagan, Judge William Sessions, have both recognized the need for accountability. Distinguished former military officers, who are familiar with commissions of inquiry, have been supportive. These officers include ADM Lee Gun and MG Antonio Taguba, as well as the National Institute of Military Justice. Senators FEINGOLD and WHITEHOUSE, both members of the Senate Judiciary and Intelligence Committees, have strongly endorsed the idea, as has Senator ROBERT BYRD. The Speaker of the House has spoken favorably about getting to the bottom of these matters, and she has shown her willingness to cooperate with such an inquiry.

Human rights leaders and organizations have endorsed the approach, including Amnesty International, the Constitution Project, the International Center for Transitional Justice, Human Rights Watch, Physicians for Human Rights, the Open Society Institute, the Brennan Center, Human Rights First, and others. Prominent religious leaders such as those represented by the National Religious Campaign Against Torture, which is composed of a broad spectrum of religious denominations, support this idea.

Thoughtful commentators like Jon Meachem, Nicolas Kristof, Tom Ricks, Frank Rich, and Maureen Dowd have come to endorse a nonpartisan commission. Editorials in support of a nonpartisan commission have appeared over the last several weeks in The New York Times, The Washington Post, the Los Angeles Times, Newsweek, and in Vermont's Rutland Herald.

Last week, the Attorney General of the United States testified that the Justice Department would, of course, cooperate with such a commission were Congress to establish one. The President of the United States has said that he, too, feels that such a pursuit would be better conducted ''outside of the typical hearing process'' by a bipartisan body of ''independent participants who are above reproach and have credibility.''

I urge those Republicans who truly believe, as Senator CORNYN said, that in looking at these matters we must ''maintain our sense of perspective and objectivity and fairness'' to join in a bipartisan effort to provide for a nonpartisan review by way of a commission of inquiry. Such a commission would allow us to put aside partisan bickering, learn from our mistakes and move forward.

Just as partisan Republicans were wrong to try to hold up the confirmation of Attorney General Holder to extort a pledge from him that he would not exercise independent prosecutorial judgment, it is wrong to shoe horn this amendment onto this emergency spending bill. I opposed the effort by some Republican Senators who wanted the Nation's chief prosecutor to agree in advance that he would turn a blind eye to possible lawbreaking before investigating whether it occurred. Republican Senators asked for such a pledge, a commitment that no prosecutor should give. To his credit, Eric Holder did not.

Similarly, passing a broad and unrelated amendment on an emergency appropriations bill that seeks to instruct the Attorney General how to fulfill his constitutional responsibilities is not the path forward. Before we even know how these legal opinions were generated and who was responsible for what, this amendment calls for the Senate to usurp the Justice Department's role in determining whether and, if so, who to investigate or prosecute. Any former prosecutor, any lawyer and any citizen should know that it is not the decision of or an appropriate role for the U.S. Senate.

AMENDMENT NO. 1156

Mr. MCCAIN. Mr. President, I support Senator LIEBERMAN's amendment relating to Army end strength. By clarifying existing law contained in the National Defense Authorization Act for fiscal year 2008 and providing $400 million for personnel and O&M costs, it ensures soldiers already on Active Duty or who are about to be enlisted are able to serve. It does not create new authority for more Active-Duty soldiers, rather it corrects an erroneous legal interpretation about which end strength number should be used to calculate percentages for additional troops. I applaud Senator LIEBERMAN's commitment to this goal.

STATUS OF FORCES AGREEMENTS

Mr. MERKLEY. Mr. President, I commend the chairman of the Appropriations Committee for all of the great work he has done to put this supplemental together.

It is my understanding that the House version of the bill includes a study aimed at examining how the terms of the Status of Forces Agreement will be met, specifically as the agreement relates to withdrawal timelines.

As the conferees work to resolve the differences of the two bills, I look forward to working with the gentleman to ensure this report remains in the final bill language.

Mr. INOUYE. I thank the gentleman from Oregon for his request. I appreciate his concerns and look forward to working with him on this matter.

MRAP-ALL TRERRAIN VEHICLE

Mr. LEAHY. Mr. Chairman, I was very pleased to see that the committee provided more than $3 billion for smaller, more agile, but still highly protective vehicles know as the MRAP-all-terrain-vehicle. That is $1.55 billion above what the administration requested in the fiscal year 2009 supplemental. We received a lot of testimony on this armored vehicle program from witnesses before our subcommittee, including the Chief of Staff of the Army, and I had a personal conversation with Secretary of Defense Gates. Everyone said that the MRAP-ATV, as it is known in short, is absolutely critical to achieving our goals in Afghanistan.

Mr. INOUYE. I appreciate that comment from my good friend and colleague, the senior Senator from Vermont. The MRAP-all-terrain-vehicle is very important to protecting our forces in Afghanistan. Since 2005, the Defense Appropriations Subcommittee has allocated well over $25 billion to purchase MRAP vehicles, which have a V-shaped bottom and several unique features that deflect energy from roadside bomb blasts, prevent fragments from penetrating, and, in turn, save people from attack.

The original versions of the MRAP have saved thousands of lives in Iraq; however, they are very large, and this array of vehicles does not fully suit the more rugged environment our deployed forces faces in Afghanistan. There, we see very few paved roads. Many are simple dirt roads, slit through the sides of mountains at higher altitudes. Our forces need a vehicle that possesses a lower center of gravity and that can go off-road, but possesses the same level of protection as the original version of the MRAP.

Mr. LEAHY. The Senator is so right, and I appreciated the way the subcommittee thoroughly looked at the administration's budget request, scrubbed the numbers, and listened to what our senior defense leaders had to say. The 86th Infantry Brigade Combat Team of the Vermont National Guard—the only Army brigade in the Army with a ''Mountain'' fighting designation, comprised of upwards of 1,800 proud citizen-soldiers from Vermont—will begin a yearlong deployment to Afghanistan next year. They will help train the Afghan National Army, which is critical to our success there. We want all our deployed forces—from Vermont, Hawaii, and every State, and every armed service—to have the best protection from roadside bomb attacks. That need is reflected in the urgent request from Central Command, in the so-called Joint Urgent Operational Needs Statement.

Mr. INOUYE. We have seen a rise in roadside bomb attacks in Afghanistan this year, and it was very clear that, as we went through the request, we had to accelerate this critical force protection program. The administration's request in the fiscal year 2009 supplemental includes $1.5 billion for approximately 1000 vehicles. The fiscal year 2010 overseas contingency operations budget request included roughly $1.5 billion for about the same number of vehicles. The Defense Subcommittee added $1.55 billion for the MRAP ATV to accelerate the procurement of these critical vehicles.

Mr. LEAHY. I think it is tremendous that the subcommittee has shown such leadership on working to secure funds that we all know is essential to protecting our brave men and women deployed abroad. I look forward to continuing to work with my good friend and colleague from Hawaii to hold this funding in our conference negotiations with the House of Representatives.

I thank the esteemed chairman.

Mr. FEINGOLD. Mr. President, I intend to vote against the current emergency supplemental spending bill—the second one of this fiscal year—and I would like to briefly list my concerns before explaining them in more detail. For years I have been fighting to bring an end to our involvement in the misguided war in Iraq. While I am pleased that President Obama has provided a timeline for redeployment of our troops, I am concerned that he intends to leave up to 50,000 of the United States troops in Iraq. I am also concerned that this supplemental may pad the defense budget with items not needed for the war. We should be paying for such items through the regular budget, not running up the deficit to purchase them. Finally, while the President clearly understands that the greatest international security threat to our Nation resides in Pakistan, I remain concerned that his strategy regarding Afghanistan and Pakistan does not adequately address, and may even exacerbate the problems we face in Pakistan, problems made even more clear by the current rising tide of displaced civilians.

I do want to make clear, however, that there are a number of provisions in the bill I support, including funding for humanitarian and peacekeeping missions. In addition, I am pleased that the bill addresses the increased demand for direct farm loans through the USDA's Farm Service Agency, FSA. As of May 7, the FSA reports backlogs of nearly 3,000 loans, including $250 million in ownership loans and over $100 million for operating loans. With many States having already completely utilized their initial fiscal year 2009 allocations of direct loan funds, the emergency addition of $360 million for direct farm ownership loans and $225 million for direct operating loans in the supplemental will help ensure that credit is available to farmers and ranchers. I was also encouraged that an additional $49.4 million was included for the costs associated with modifying existing

FSA farm loans, which will help ensure that FSA is able to work with farmers who are viable to avoid foreclosure.

Let me start by focusing on Iraq. President Obama has taken a necessary and overdue step by outlining a schedule to safely redeploy our troops from Iraq. This will help us focus on al-Qaida and its affiliates elsewhere, which continue to be the main threat to U.S. national security. I was disappointed, however, that the President decided to draw out the redeployment over 3 years. Furthermore, recent press reports indicate that in order to meet the June 30 deadline for U.S. combat troops to be out of Iraqi cities, certain military officials may redraw city borders instead of relocating nearly 3,000 Americans, as required under the Status of Forces Agreement. This kind of fluidity is troubling as it would further delay an already too long schedule for redeployment. While we have an obligation to help stabilize the region over the long term, we must not lose sight of the fact that our very presence has a destabilizing impact and the vast majority of Iraqis support a prompt withdrawal of U.S. troops. I am concerned that if the United States does not appear to be moving to redeploy consistent with the bilateral agreement negotiated with Iraq, there could be a surge in violence against the troops of the United States.

Finally, I note that the Bush administration chose to negotiate that deal as an executive agreement when its scope clearly exceeds that of any previous Executive agreement and extends far beyond the kinds of issues addressed in a mere status-of-forces agreement. It should have been submitted to the Congress as a treaty and been subjected to the requirement of approval by two-thirds of the Senate. The Congress always retains the ultimate authority to determine whether to continue to fund military operations abroad so it is in the interest of the President to seek Senate approval. Our national security is best served when the two branches work together to determine our policy on matters of such profound importance to the United States. The Congress should make clear that, in the future, any such agreements must be submitted for ratification.

President Obama's strategy review for Afghanistan and Pakistan finally focuses the Government's attention and resources where they are most needed. After years of our country being bogged down in Iraq, President Obama has brought to the White House an understanding that the key to our national security is defeating al-Qaida, and that to do so we must refocus on this critical region.

But while the President clearly understands that the greatest threat to our Nation resides in Pakistan, I am concerned that his announced strategy has the potential to escalate rather than diminish this threat without making things better in Afghanistan. According to credible polls, the majority of Afghans do not support a surge in U.S. forces and a majority in the south even oppose the presence of U.S. troops. For years, the Bush administration shortchanged the mission in Afghanistan, with disastrous results. But we cannot simply turn back the clock. Sending significantly more troops to Afghanistan now could end up doing more harm than good—further inflaming civilian resentment without significantly contributing to stability in that country.

Furthermore, sending 21,000 additional troops to Afghanistan before fully confronting the terrorist safe havens and instability in Pakistan could very well make those problems even worse. And don't just take my word for it. When I raised this point with Ambassador Holbrooke during a recent hearing, he replied:

> [Y]ou're absolutely correct that . . . an additional [number] of American troops, and particularly if they're successful in Helmand and Kandahar could end up creating a pressure in Pakistan which would add to the instability.

By providing additional funds for our troops in Afghanistan, this supplemental may actually undermine our national security as increasing numbers of the Taliban could seek refuge in Pakistan's border region. Already, the Taliban's leadership has safe haven in Quetta, while the Pakistani military fights militants in the north. Without a concurrent plan for Pakistan, the movement of Taliban across the border could further weaken local governance and stability, while a flood of refugees from Afghanistan would compound Pakistan's already dire IDP problem. And let's not forget, we are talking about instability in a country with a nuclear arsenal that according to the Chairman of the Joint Chiefs of Staff is being expanded.

The emergence of a new civilian-led government offers the United States an opportunity to develop a balanced and sustained relationship with Pakistan that includes a long-term counterterrorism partnership. I am pleased that this administration, unlike the last, has extended its engagement to a broad range of political parties and encouraged the development of democracy. I am also pleased that there are efforts to significantly increase nonmilitary aid and to impose greater accountability on security assistance. After years of a policy that neglected Pakistan's civilian institutions and focused on short-sighted tactics that were dangerous and self-defeating, this is a refreshing step in the right direction. Make no mistake about it, the threat of militant extremism has been and continues to be very real in Pakistan, but by embracing and relying on a single, unpopular, antidemocratic leader we failed to develop a comprehensive counterterrorism sustained strategy that transcended individuals. As a result, we must now recover from a policy that led Pakistanis to be skeptical about American intentions and principles.

While I support efforts to build a sustained relationship with Pakistan, I remain concerned that, even as we continue to provide support to the Pakistani military, elements of the Pakistani security forces remain unhelpful in our efforts to cut off support for the Taliban. During a recent hearing before the Senate Armed Services Committee, Senator MCCAIN asked Admiral Mullen if he still worries about the ISI cooperating with the Taliban. Admiral Mullen responded that that he did. This bill contains over $1 billion for the Pakistani military, and while we must not over generalize or take an all or nothing approach, it would be unwise and very dangerous to convey to the Pakistani military that it has our unconditional support.

That would be especially dangerous now as recent fighting between militants and Pakistani forces has reportedly displaced nearly 1½ million people—the greatest displacement there since 1947. This is very troubling, and has potentially grave strategic implications for U.S. national security. As General Petraeus has said, ''We cannot kill our way to victory.'' As we continue to provide assistance to Pakistan's military, we must ensure they—and we—have the support of the Pakistani people. No amount of civilian aid after the fact can make up for military operations that are not tailored to protect the civilian population in the first place.

We must also recognize that, while the Pakistani security forces are undertaking operations in the Swat Valley, there are individuals in Baluchistan who also present a significant threat to our troops in Afghanistan. When I asked Ambassador Holbrooke if he knew whether the Pakistani Government was doing everything it could to capture Taliban leaders in Baluchistan, he replied that he did not know and that while they have ''captured . . . killed and eliminated over the years a good number of the leaders of the Taliban and al-Qaida [while] others have been under less pressure.'' I encourage the Obama administration to engage in tough negotiations with the Pakistani Government on this issue and to prepare contingency plans in the event that we continue to see members of the security services supporting militants.

We must continue to ensure al-Qaida and the Taliban are the key targets in Pakistan, but strategic success will also depend in part on the ability of the Pakistani military to demonstrate they are pursuing a targeted approach that seeks to protect the civilian population. For example, we should work to ensure that the Pakistani Government has taken steps to detain known militant leaders and is providing assistance to those who have been displaced by the ongoing violence. On the civilian side, working to help reform and strengthen vital institutions, including

the judiciary and education and health care systems, is essential. We must also work to reform the police, whose permanent presence in the community is less likely to engender hostility than the military's. In short, we must focus on helping to build the civilian institutions that are part of a responsive, accountable government needed to ensure al-Qaida and militant extremists do not find support among the Pakistani people.

Lastly, I would like to address an issue that has received much attention. A number of my colleagues have spoken on the floor in opposition to the President's commitment to close the detention facility in Guantanamo bay. I believe it is time for Guantanamo to be closed. Senator MCCAIN, Senator GRAHAM, Colin Powell and James Baker share this view. The facility has become a rallying cry and recruiting tool for al-Qaida. It contributes to extremism, anti-American sentiment and undermines our ability to build the international support we need to defeat al-Qaida.

Secretary Gates has testified that ''the announcement of the decision to close Guantanamo has been an important strategic communications victory for the United States.'' The Director of National Intelligence, Admiral Blair, has stated that:

The detention center at Guantanamo has become a damaging symbol to the world and that it must be closed. It is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security.

And, former Navy General Counsel Alberto Mora testified to the Senate Armed Services Committee in June 2008 that

There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively the symbols of Abu Ghraib and Guantanamo.

There are many unresolved questions about the process we will use to prosecute these detainees. We need to resolve those tough questions, but we should not use them as an excuse to avoid taking a step that is so important to our national security.

Mr. SCHUMER. Mr. President, I wanted to make a brief statement today on the Homeland Security and Governmental Affairs Committee's consideration of S. 692, a bill to ensure that a valuable collection of historical papers pertaining to President Franklin Roosevelt, known as the Grace Tully Archive, can be transferred to the Roosevelt Presidential Library in Hyde Park. NY.

The Grace Tully Archive is considered the most important collection of documents and memorabilia related to President Franklin Delano Roosevelt currently in private hands. The collection was directly given to and/or gathered by FDR's personal secretary for decades, covering both his private and public career as Governor of New York and President. The donation of the collection to the Roosevelt Presidential Library has been supported by the National Archives—NARA—and described as a matter of ''overwhelming public interest.''

The acting Archivist of the United States, Adrienne Thomas, wrote to Chairman LIEBERMAN and Ranking Member COLLINS about this bill earlier this month, and I will ask that a copy of that letter be printed into the RECORD at the conclusion of my remarks.

After Grace Tully died in 1981, her collection was sold into private hands, and it has since changed hands several times. The current private owner obtained the collection in 2001 from a well-known New York rare book dealer in a widely publicized sale.

Although no previous claims had been made after other sales, the Archives stepped forward in 2004 to make a claim of ownership to certain specific documents contained in the larger Tully collection. They claimed that certain documents were ''Presidential papers'' and should have originally been given to the Archives, not Grace Tully yet the laws governing such documents and the establishment of Presidential libraries was not passed until after the death of President Roosevelt. So there are some legal ambiguities. But for several years, this dispute over the ownership of a small portion of the collection has prevented the donation of the entire collection.

Both sides wish to avoid litigation, since the collection is being donated to the FDR Library anyway indeed, the collection is already at the Roosevelt Library in sealed boxes waiting for the matter to be resolved. Both sides prefer that the matter be solved via Federal legislation that will clarify the ownership issue and ensure that the Archives and the American people receive this important historical collection.

Since the papers are already at the FDR library, my bill seeks only to clarify the ownership issue in order to facilitate the completion of the donation of a collection of immense value to historians. The current owner of the collection will have to abide by current tax rules governing such donations, including obtaining appropriate appraisals. All my bill seeks to accomplish is to allow the donation to move forward without the time and expense of litigation.

Last year, the Homeland Security and Governmental Affairs Committee also reported out this bill, but it was stalled by year-end disputes over unrelated unanimous consent requests. Since there is no objection to this bill, I am hopeful that the Senate can take it up and pass it unanimously very soon, so the gift of the papers can be completed this year.

Mr. President, I ask unanimous cnsent to have the letter to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION,
College Park, Maryland, May 18, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman,
Hon. SUSAN M. COLLINS,
Ranking Member, United States Senate, Committee on Homeland Security and Government Affairs, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS:

Last September, former Archivist of the United States Allen Weinstein wrote to Senator Schumer to express NARA's strong support for his effort to facilitate the donation of the ''Tully Archive'' to the Franklin D. Roosevelt Presidential Library (located in Hyde Park, NY), a part of the National Archives and Records Administration, through legislation that was pending in the last Congress. I write now to express NARA's continuing support of this effort in the current Congress, as encompassed in S. 692 (introduced by Senator Schumer).

As we have explained, the Tully Archive is a significant collection of original FDR-related papers and memorabilia that had been in the possession of President Roosevelt's last personal secretary, Miss Grace Tully. Due to the efforts of your committee to move the issue along, we are now very close to resolving this matter after several years of uncertainty.

Successful resolution of this case through a donation to the National Archives, as facilitated by this legislation, would culminate several years of serious discussion between the Government and the private parties involved. It will also result in substantial savings to the government, by obviating the need for a lawsuit to claim and assert government ownership over a small portion of the collection—an action that would take years, require substantial resources, and result in our obtaining only a limited portion of the Tully Archive. I recognize that there are complex issues involved in this case and consider the Committee's approach to be the best available under the circumstances.

The entire Tully Archive includes some 5,000 documents, including over 100 FDR letters with handwritten notations; dozens of speech drafts and carbons; hundreds of notes (or ''chits'') in FDR's handwriting; letters from cabinet officials and dignitaries, including a letter from Benito Mussolini congratulating FDR on his 1933 inaugural; Eleanor Roosevelt family letters; and photographs, books, framed items, etchings, and other memorabilia.

Although Miss Tully died in 1984, the extent of the collection only came to the attention of the National Archives in 2004 when a team from the Roosevelt Library and NARA's Office of General Counsel had the opportunity to examine the materials. Although there has been a minor dispute over ownership of a small portion of the collection, this is very close to being resolved. The entire collection is currently in sealed boxes at the Roosevelt Library waiting for the gift to be completed. I believe that the National Archives and the American people are best served by receipt of the entire collection.

It is very important to NARA, and for future historians that might want to study these papers, for the Tully Archive to be kept intact and made fully accessible to the American people in a public government archives. This result will increase the ability of scholars to learn about our 32nd president and his extraordinary life and times.

There is an overwhelming public interest in making this collection available to the

public. I personally thank you for your efforts to ensure that the issue is finally resolved in the 111th Congress.

Sincerely yours,

ADRIENNE THOMAS,
Acting Archivist of the United States.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''aye.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—86

Akaka	Dorgan	Lugar
Alexander	Durbin	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McCaskill
Bayh	Feinstein	McConnell
Bennet	Gillibrand	Menendez
Bennett	Graham	Merkley
Bingaman	Grassley	Mikulski
Bond	Gregg	Murkowski
Boxer	Harkin	Nelson (NE)
Brown	Hutchison	Nelson (FL)
Brownback	Inhofe	Pryor
Bunning	Inouye	Reed
Burr	Isakson	Reid
Burris	Johanns	Risch
Cantwell	Johnson	Roberts
Cardin	Kaufman	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Tester
Cornyn	Leahy	Thune
Crapo	Levin	Udall (NM)
DeMint	Lieberman	Vitter
Dodd	Lincoln	Voinovich
Webb	Wicker	
Warner	Whitehouse	Wyden

NAYS—3

Coburn	Feingold	Sanders

NOT VOTING—10

Begich	Hatch	Shaheen
Byrd	Kennedy	Udall (CO)
Carper	Murray	
Hagan	Rockefeller	

The bill (H.R. 2346), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

Mr. RISCH. Mr. President, I come to the Senate floor today to speak about the National Guard and the need for this Federal Government to better equip our Guard and Reserve units. Senate amendment No. 1143, which I offered to the supplemental appropriations bill, would have done just that. Although the Senate did not adopt this sensible measure, I will continue to seek creative ways to support the National Guard and pursue this responsible and reasonable expenditure.

Simply put, my amendment would have appropriated $2 billion to the National Guard and Reserve equipment account. This money would have come from unobligated funds made available by the American Recovery and Reinvestment Act of 2009. The rescissions would not have applied to amounts relating to the Department of Defense, the Department of Homeland Security, Military Construction, or the Veterans Administration.

In recent years, our National Guard and Reserve forces have faced substantial shortfalls in equipment, and the military budget requests have been insufficient to remedy the problem. Even prior to 9/11, our National Guard and Reserve forces had equipment deficiencies. Since 9/11, due to an especially high operational tempo in the Iraqi and Afghan Theaters of Operations, our National Guard and Reserve equipment is being worn out and exhausted more quickly than anticipated. Combat losses are also contributing to shortfalls. Compounding the problem, in order to provide deployable units, the Army National Guard and the Army Reserve have had to transfer large quantities of their equipment to deploying units, exacerbating shortages in nondeploying units. Also, some National Guard and Reserve units, at the end of their deployments, have had to leave significant quantities of equipment overseas. If these equipment shortfalls are not remedied, our National Guard and Reserve forces run the risk of further deterioration of readiness levels and capability.

In my estimation, it seemed reasonable to move $2 billion in unobligated stimulus spending to fund necessary procurement of new National Guard and Reserve equipment, which was tragically overlooked during the stimulus debate. The National Guard and Reserve equipment account is a critical resource for funding procurement of new equipment for our National Guard and Reserve forces. This $2 billion increase in equipment funding would have provided much-needed modern equipment for our National Guard and Reserve forces, better enabling them to meet mission and readiness requirements. In addition, this funding, which would have to have been spent by the end of fiscal year 2010, would have provided a stimulative effect to the U.S. economy.

New equipment would also directly benefit our Nation's homeland security missions and disaster response efforts, both of which are frequently assigned to National Guard forces. The Guard's ability to carry out these responsibilities depends on the availability of necessary equipment. Much of the equipment that would otherwise be used in these missions remains deployed overseas and is therefore unavailable.

In closing I want to reiterate my commitment to the National Guard and Reserve. Going forward, I will continue to fight to ensure that our Guard and Reserve units have the resources and equipment necessary to complete their missions. They make every American proud, and I am committed to maintaining a healthy and well-equipped National Guard and Reserve for years to come.

Mr. WHITEHOUSE. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER Without objection, it is so ordered.

DARFUR

Mr. REID. Mr. President, I met briefly this week with the actress and activist Mia Farrow, who has dedicated so much time lately—and even put her own health at risk—to raise awareness of the atrocities in Darfur.

Like Ms. Farrow, my good friend Pam Omidyar—the founder and chair of the Board of Humanity United—has also fasted for more than a month in solidarity with the Darfurian refugees.

Mia Farrow and Pam Omidyar enjoy liberty and wealth. They do not need to do this. But through their actions, they both so generously speak for those the world ignores.

The terrible situation in Darfur deteriorates with each passing day. But we don't hear much about it. It has long since faded from the front pages in the face of everything else going on in our economy and the two wars we wage in the Middle East.

We cannot ignore this crisis. The United States has officially and appropriately recognized that what is happening in Darfur is genocide. For the more than 2.4 million people who have been displaced against their will, we cannot look the other way and cannot stand idly by.

Most of the people of Darfur depend on international aid to survive day-to-day. The United Nations has agreed to send 26,000 peacekeepers to Darfur, but they face an uphill fight—they have struggled to get the resources they need to ensure the safety of those who live in Darfur and to end this crisis.

Making matters worse, when the International Criminal Court recently issued a warrant to arrest the President of Sudan—President Bashir—for war crimes and crimes against humanity, he responded by expelling 13 nongovernmental organizations that had been distributing food and medicine to the people in Darfur.

Because of its economic investments, China has unique leverage with Sudan. It is important that China uses that influence to help the people of Darfur.

I appreciate the work of Major General Jonathan Scott Gration—the President's special envoy to Sudan—but we must do more to put Darfur at the forefront of our foreign-policy agenda. And we must be clear about our objectives.

The Sudanese government has repeatedly proven untrustworthy at the negotiating table. As the administration and our special envoy develop a new policy, we must consider how we can get Khartoum to change its behavior.

There have been too many people in too many camps for too many years—and the world has been silent for far too long.

We have no excuse to do anything short of all we can do to ensure aid groups are on the ground in Darfur, and that they can do their jobs—to ensure a political process is in place, and that it can work—and to help save the lives of millions.

TRIBUTE TO HONOR FLIGHT

Mr. MCCONNELL. Mr. President, I would like to take a moment to recognize the first Honor Flight from Kentucky for the 2009 operational season. Many members of this body have had the chance to see their constituents at the World War II Memorial because of the noble work Honor Flight does in transporting surviving World War II veterans from around the country to see their memorial free of charge. I am honored to have been invited to participate in previous flights from the Commonwealth, and I regret that my schedule prevented me from attending the one that took place this past weekend. I hope to have the chance once again to visit with Kentucky Honor Flight participants.

On Saturday, May 16, Honor Flight's Bluegrass Chapter arrived in our Nation's Capital with 79 World War II veterans from my home State of Kentucky to see the memorial which they inspired. It is my hope that these veterans felt a sense of pride in seeing their memorial after all, pride is the very same feeling these men and women inspire in their fellow Americans.

In my previous experiences in meeting with the participants of Honor Flight trips, people of all ages have been humbled by the presence of these veterans at the memorial. School children have shook hands with the men and women who served in World War II and thanked them for their service. Others have asked for the privilege of taking a photo with a real-life American hero. Still more, including myself, have shared stories that have been passed down through generations about how World War II affected their family. In watching these interactions, one thing is clear: the sacrifices that these men and women made will never be forgotten.

I wish to express my sincere gratitude to the Kentucky veterans who were here over the weekend for having served to protect our great nation's principles from the enemies of freedom. I ask unanimous consent that the names of the 79 World War II veterans from the Commonwealth be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD WAR II VETERANS

Allen Courts, Robert Adams, Charles Alessandro, Donald Cobb, Kenneth Gillespie, Guthrie Catlin, Joe Terrell, Donivan Mahuron, George Spaulding, George Schembari, Dale Tinkle, Jack Distler, Walter Pearce, Joseph Crouse, Kathleen Drummond, Clarence Lange, Leroy Lange, Marcus Shearer, Garland Lewis, Gordon Lewis.

Herbert Lewis, William Morris, Dewey Smith, Roy Ricketts, Frank Mellon, Jr., Hugo Becker, Robert Byrum, Carl Kiesler, Nelson Moody, Murrell Ramsey, George Pearl, Chesterfield Pulliam, John Canary, William Grantz, Jack McQuair, William Miller, John Noonan, Irvine Stevens, Joseph Blincoe, Richard Burnett,

Charles Branson, Francis Kindred, Gustave LaFontaine, Carojean MacDonald, Carroll Hackett, Ira Johnston, Billy Turner, William Fender, John Hinkebein, Richard Yann, Edwin Casada, Fitzhugh Roy, Henry Anderson, Marvin Lawson, George Greathouse, Paul Berrier, Sr., Thomas Napier, Thomas Roberts, Ralph Stengel, Chester Sublett.

Frederick Kleinschmidt, James Williams, Elmer Givan, Leslie Powers, Marion Crockett, Edward Goldner, Loren Charley, Edgar Hodges, Joseph Johnson, Alvin Lawyer, Orin Bond, Antonio Martinez, John Eckert, Lee Bumpus, Donald King, Marcus Combs, Norman Miller, Allen Jones, Roy Vance.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. KYL. Mr. President, I opposed this legislation because it will likely have the unintended consequence of restricting credit to those who need it most. The major economic issue at play is the ability of financial institutions to utilize risk-based pricing to determine how much to charge an individual for credit. Risk-based pricing essentially permits a lender to charge a higher price to individuals who are at a great risk for nonpayment. More sophisticated pricing has also expanded credit to those who otherwise would not be eligible for a credit card.

Financial institutions that offer credit cards face four major risks. One, the lending they provide is not secured by collateral. Two, a creditor has no way of knowing when a cardholder loses his job and the income he would need to repay his debt. Three, a borrower can max out the full amount of his limit without advance notice. And four, unlike other forms of lending, credit cards are relatively more susceptible to fraud.

Since it is impossible for a lender to know when a borrower will default, credit card companies carefully monitor their cardholders' activity. A delinquent payment, exceeding one's credit limit or bouncing a check acts as an early warning sign that help firms identify higher risk cardholders. In order to manage these risks, credit card companies use certain practices to protect themselves from the possibility of default.

Any legislation or regulation that restricts the ability of credit card issuers to adequately price risk could have several unintended consequences. Investors who in the past may have been attracted to the relatively higher returns afforded securitized credit card assets may shift their funds into alternative sources of lending. As a result, credit card companies may increase interest rates on all card holders, increase monthly minimum payments, reduce credit limits or simply issue fewer cards.

HEALTH CARE REFORM

Mr. LEAHY. Mr. President, very few people in America today would argue that our health care system is not in need of reform. It is a travesty that in the richest, most powerful country in the world, there are more than 47 million people without health insurance. That is an absolutely shocking number. It represents roughly one in six people who are going without regular trips to the doctor, forgoing needed

medications and resorting to emergency rooms for care because they have nowhere else to turn. These are our friends, our neighbors, and millions of our children.

An estimated 87 million people—one in every three Americans under the age of 65—were uninsured at some point in 2007 and 2008. While my home State of Vermont has made significant strides in creating a plan for comprehensive coverage, there are still far too many Vermonters without health insurance. While we beat the national average, roughly 10 percent, or 66,000 Vermonters remain uninsured.

Those Americans who are fortunate enough to have health coverage often cannot afford to access care. Every day, Americans across this country are struggling to afford premiums for health insurance, which have nearly tripled since 2000. In fact, new estimates show that the cost for health care for the average American family is more than $16,000 per year—an increase of over $1,100 from the previous year. Health care reform has been put on hold for far too long and cannot be delayed any further.

It is encouraging that this Congress has already taken a few constructive steps toward insuring more Americans and making our health care system more effective. One of the first bills that President Obama signed into law was the reauthorization and expansion of the Children's Health Insurance Program. This bill has extended and renewed health care coverage for over 10 million children and provided 4 million more with new coverage. As part of the American Recovery and Reinvestment Act, Congress extended health benefits for Americans who lost their jobs as part of the economic downturn and invested over a billion dollars to help States implement electronic health records to help make care more efficient with strong personal privacy protections, which I was proud to coauthor with others. While these bills have moved our country in the right direction, it would be a mistake to stop short of larger scale changes to our health system. The need for comprehensive reform has never been more urgent.

Health care reform legislation must create a system where all Americans have the opportunity to access health insurance that is affordable and provides adequate coverage. For far too long, an unregulated health insurance market has cherry-picked healthy Americans to provide coverage to, while offering unaffordable coverage to individuals with ''pre-existing conditions.'' Many others who have insurance do not have adequate coverage and are insured only for certain conditions. Others have high premiums or unaffordable deductibles so accessing care is unrealistic.

Competition among private insurers has not driven down costs to consumers and the current private insurance market has a clear incentive to offer coverage only to the healthiest Americans. Comprehensive health care reform can change this calculus and that is why I support the creation of a federally backed, public health insurance option. For those who are satisfied with their current insurance there is no need to change. A public option would only give consumers more choices to purchase an affordable and quality health insurance plan and will help drive down overall health care costs by introducing real competition into the health care market. I was proud to join Senator BROWN and over twenty other Senators to introduce a resolution stating our support of a public option as part of comprehensive health care reform legislation.

I appreciated the recent news that leaders of the health care industry are working with the Obama administration and have unveiled a plan to voluntarily trim roughly $200 billion in health care costs per year. While this is a movement in the right direction, this should not distract from the fact that coverage must be affordable for Americans or the larger goal of reducing overall costs will not be realized. A public option should recognize an individual's ability to pay and offer subsidies for those who are still unable to afford care. Leaving individuals without insurance drives up health care costs for us all, and we must work toward a goal of insuring all Americans.

Insuring more Americans is of no use unless we work toward incentivizing people to become nurses, doctors, and health care professionals. My wife Marcelle is a nurse, and I understand the threat that nursing shortages pose to health care access and safety. Additionally, with the costs of a medical education rising, many aspiring physicians are choosing to specialize instead of pursuing a career in primary care. Especially in a rural State like Vermont, we are struggling to maintain primary and preventative care services throughout the State. I have heard from far too many Vermonters who use the emergency room for everyday health care needs because there are not enough primary care physicians to handle the demand for services. I support efforts to establish programs to help students repay their loans should they choose to practice in underserved fields or areas high in need of physicians and nurses across the country.

Strengthening our primary care workforce will also help Americans access preventative services to help maintain good health and reduce the incidence of debilitating chronic conditions. Chronic diseases are often preventable or manageable with treatment, yet currently account for 75 percent of our health care spending. Already we have seen a movement to target preventable diseases by focusing on ways to promote healthy lifestyles and choices. As part of its Blueprint for Health, Vermont has begun a series of pilots across the State to enhance health care coordination and patient outcomes through patient centered medical homes. Vermont is seeing good results and is finding that a coordinated approach to health care prevents repeated hospital visits and the emergence of chronic conditions. Prevention must be seen as a cornerstone to both reducing costs and keeping Americans healthy.

Some argue that in our current economic climate it would be irresponsible to reform health care because we simply cannot afford it. What we cannot afford is to stick with the status quo, which is crippling our economy and neglecting millions of Americans who want coverage but cannot afford it. Health care costs currently consume 16 percent of the United States's gross domestic product, which is expected to double in the next decade if nothing is done to slow the trend.

Strengthening our enforcement efforts to crack down on rampant fraud, waste, and abuse in the health care system is vital to lowering costs associated with health care. The scale of health care fraud in America today is staggering. According to conservative estimates, about 3 percent of the funds spent on health care are lost to fraud—that totals more than $60 billion a year. For the Medicare Program alone, the Government Accountability Office estimates that more than $10 billon was lost to fraud just last year. Unfortunately, this problem appears to be getting worse, not better.

The answer to this problem is to make our enforcement stronger and more effective. We need to deter fraud with swift and certain prosecution, as well as prevent fraud by using real-time internal controls that stop fraud even before it occurs. We need to make sure our enforcement efforts are fully coordinated, not only between the Justice Department and other agencies, but also between federal, state, and private health care fraud investigators. Much has been done to improve enforcement since the late 1990s, but we can and must do more.

Health spending cannot be controlled without a comprehensive approach that focuses on all aspects of our health system. We cannot afford to stop the growth in health spending without ensuring that Americans have access to primary care to prevent and treat chronic conditions before they begin. We must target inefficiencies and fraud within the system and incentivize quality of care not necessarily quantity of care.

We have the opportunity to create a system that maintains patient choice, gives all Americans access to quality care and reduces overall health spending. We cannot afford to neglect true reform to our health system any longer.

I look forward to working with the Finance and HELP Committees and all Senators to pass a comprehensive health care reform bill this year.

NATIONAL SMALL BUSINESS WEEK

Ms. SNOWE. Mr. President, this week we celebrate National Small Business Week, a time that affords us the opportunity to reflect not only on the countless contributions that small businesses have made, and continue to make, to the economic strength of our great country—but also on how the Federal Government is assisting these companies to be successful in their own right. As such, I rise today as ranking member of the Senate Committee on Small Business and Entrepreneurship to discuss the status of our Nation's 27 million small businesses, and to elaborate on the role the Federal Government is playing, can play—and must play—in providing these critical firms with the resources and tools they require to lead us out of our deep economic morass.

The facts and figures are enlightening. Small businesses represent 99.7 percent of all employer firms nationwide. They generate two-thirds of net new jobs annually. And they create over half of our Nation's nonfarm private gross domestic product—GDP. So there can be no question that small businesses are critical to our nation's economic vitality and success.

Yet we face an economic landscape that is unlike any other we have seen in decades. The unemployment rate stands at 8.9 percent—the highest level in over 25 years. More than 13.7 million Americans are without jobs, 5.7 million of which have been lost since the beginning of this recession in December 2007. We are in an economy that contracted 6.1 percent in the first quarter of 2009—after having contracted 6.3 percent in the fourth quarter of 2008. During what is the deepest and longest recession since the Great Depression, small businesses struggle in accessing capital to purchase equipment and expand their operations; providing affordable and quality health insurance to their employees; and complying with complex tax laws and regulations.

Without healthy small businesses, our economy cannot—and will not—recover. We must design comprehensive and thoughtful initiatives to aid small businesses during these difficult times. President Obama and this Congress have already taken several steps, but these cannot represent the totality of our efforts.

The central focus and priority of our efforts must be thawing frozen credit markets and increasing lending volume. The flow of credit is critical to the well-being of small businesses because when companies cannot access credit, jobs are lost and businesses suffer. What last year was a ''credit crunch'' for small businesses has all too rapidly ballooned into a full-blown crisis. This calamity threatens to continue shuttering storefronts all across Main Street America—the very last thing we need at this critical juncture. At a time when small businesses should be turning to the safety of government-backed lending, Small Business Administration—SBA—loan volume is showing mixed results.

Recently, Congress and the White House have taken a number of steps to address this crisis. Specifically, in the American Recovery and Reinvestment Act, Small Business Committee Chair LANDRIEU and I worked together to eliminate fees and increase guarantee rates to a maximum of 90 percent for the SBA's flagship 7(a) and 504 loan programs. The Obama Administration quickly implemented these vital provisions. As a result, average weekly SBA loan volume has increased 25 percent since their implementation.

This is significant progress. Nonetheless, as I continue to hear from entrepreneurs, including during four small business roundtables I recently held in Maine, credit remains constrained. Accordingly, I am calling on the Obama administration to immediately implement the remaining small business provisions from the Recovery Act, something our committee members urged of SBA Administrator Mills just last week.

And it appears that the administration is listening. On Monday, Administrator Mills announced the official roll-out of the new Business Stabilization Loan Program, otherwise known as the America's Recovery Capital, or ARC, loan program, to provide interest-free loans, up to a maximum of $35,000, to firms having difficulties making loan payments. These stabilization loans include deferred repayment schedules, to help small businesses weather this recession. A critical provision that Chair LANDRIEU and I worked together to include in the Recovery Act, the ARC loan program will act as a bridge for hundreds of small business owners that just need a small infusion of capital to stay afloat.

Chair LANDRIEU and I also worked together to increase funds for microlending within the SBA, and ease refinancing restrictions for 504 loans, allowing more small businesses to access credit and other resources through the SBA. These are crucial measures that, if implemented soon, could have a dramatic effect on the flow of credit.

I am pleased that President Obama recognizes the credit crisis and held a White House Summit that I participated in last March to address the concerns of the small business community. In a step for which I advocated in conversations with the administration, he used the occasion to announce that Treasury will directly purchase, through the Troubled Asset Relief Program, TARP, $15 billion in securitized SBA 7(a) and 504 loans. A witness before our Committee recently testified that this essential step is a ''great launch pad'' for promoting liquidity in the secondary markets to spur new financing dollars, and I agree. I encourage the administration to roll out this program as quickly as possible.

The provisions in the stimulus and the President's announcement are positive steps addressing different facets of the problem we are addressing here today, but more must be done.

During a private meeting I had with President Obama in the Oval Office recently, I implored the President to create a competitive lending platform at the SBA. Too often, potential SBA borrowers are stymied by the limited number of SBA lending options in their community. In the traditional lending sphere, this problem has been addressed by the emergence of private for-profit Web sites that aggregate lending offers for potential borrowers, giving banks the opportunity to compete for lending business. A lending platform that allows SBA lenders nationwide to ''bid'' on potential borrowers would increase potential SBA borrowers' access to SBA lenders and would increase the pool of applicants for banks. This platform would create more competition and availability for borrowers, and in turn lead to a likely reduction in interest rates for SBA-backed loans.

At a Small Business Committee hearing in March, we heard testimony about the difficulty small business owners face in maintaining existing lines of credit during these uncertain economic times. Small businesses are reporting that banks are ''calling'' back loans, by requiring outstanding loans to be repaid within compressed and expedited timeframes. Unfortunately, with banks demanding payment and little access to other credit, the survival of numerous small businesses is being threatened.

As such, another solution to the credit crisis worth considering is using TARP funds to guarantee lines of credit for small businesses. The Treasury Department could use funds from TARP to support guarantees on credit lines and in return, the bank receiving this guarantee would agree to help craft a payment schedule that would help the affected small business. This program would be completely voluntary but would benefit both the borrower, who would continue to receive credit, and the lender who would receive a guarantee on an outstanding loan. Chair Landrieu and I sent a letter to Treasury Secretary Geithner in March, and he has been extremely helpful in working to assess the viability of this proposal.

Among the many issues we have been discussing here in the Senate is the onerous burden of taxes—a topic that arises every time I speak with small business owners. Frankly, small businesses suffer under the weight of our Nation's tax burden. The undeniable and regrettable fact is, tax compliance costs are 67 percent higher for small business than for larger firms. A horrendously complicated Tax Code fosters evasion that then builds skepticism among Americans about the validity of the whole system. Much of our Tax Code is also due to expire in less than 2 years. And as a senior member of the Senate Finance Committee, I am

ready to work on a bipartisan basis to forge a new tax code that is progrowth with the fewest number of economic distortions and that raises sufficient revenue to finance our Nation's spending priorities.

I must say that I am particularly concerned about raising taxes on small business owners when the tax cuts expire at the end of 2010. Raising personal tax rates from 33 to 36 percent and from 35 to 39.6 percent results in a 9 percent tax increase on small business because 93 percent of small businesses are organized as flow-through entities such as partnerships and Subchapter S corporations. Taking another 9 percent out of small business leaves fewer resources available to small business owners to reinvest in America's greatest job generators.

There are lots of conflicting studies, but Treasury data indicates that almost 70 percent of flow-through income is earned by 9 percent of small business owners, and these are the owners who are generating jobs. Furthermore, according to data Senator GRASSLEY received from the Joint Committee on Taxation, small business owners would pay more than half the taxes from higher marginal rates. That data indicates that $187 billion of the $339 billion raised from increasing the top two tax rates would come from small business. Notably, I offered an amendment during the budget debate that would have prevented tax increases on small business owners if more than 50 percent of their income came from a small business. The amendment, which would have allowed this proposal to go forward if offset, passed by voice vote but was inexplicably dropped in conference. Nonetheless, it is imperative that we work together to preserve the tax cuts for all small businesses, and I hope that we can.

I would also like to add that although the Recovery Act made some vital changes to the Tax Code to help small businesses—such as extending bonus depreciation and expensing—it fell short in its treatment of net operating losses. The Recovery Act allows small businesses to carryback 5 years losses they incurred in 2008, a provision for which I successfully fought. This indispensable cash flow tool allows businesses that have been profitable—but are currently facing losses—to file for a refund of taxes paid in the last 5 years. Yet, this relief remains incomplete as it was limited to businesses with gross revenues less than $15 million. So I commend the President for proposing to allow all businesses to carryback their 2008 and 2009 losses for 5 years. That is also why I introduced a bill to address this situation, and I thank Senators BAUCUS, HATCH, STABENOW, ENSIGN, LINCOLN, CANTWELL, and BILL NELSON, for cosponsoring this significant legislation.

The bottom line is that at the end of the day, if small businesses cannot gain greater access to capital, our economic recovery will be slowed, stagnated, or worse. I have made several suggestions today that, when coupled with the small business provisions passed in the Recovery Act, can hasten a revitalization of our Nation's economy. I sincerely hope that we take to heart the critical role small businesses play in the creation of a healthy and stable economy, and work in a bipartisan fashion to seek new ways of ensuring that we in Congress are providing them with the right kind of assistance.

ROTARY KEYNOTE ADDRESS

Mr. BAYH. Mr. President, I wish to call the attention of my colleagues to a most thoughtful address delivered in my State of Indiana recently by a fellow Hoosier, one who served as a Member of Congress from Indiana for 22 years, 1959 until 1981. I refer to Dr. John Brademas, who represented the district centered in South Bend.

A Democrat, John Brademas served throughout those years on the Committee on Education and Labor of the House of Representatives where he took part in writing most of the measures then enacted to support schools, colleges, and universities; the arts and the humanities; libraries and museums; Head Start; and education of children with disabilities as well as others.

In his last 4 years, John Brademas was majority whip of the House of Representatives, third-ranking member of the Leadership.

Seeking election in 1980 to a 12th term, John Brademas lost that race. He was shortly thereafter invited to become president of New York University, the Nation's largest private, or independent, university.

He served as president until 1992 when he became president emeritus, his present position. I believe it is recognized by those in the higher education world in the United States that John Brademas led the transformation of NYU, as it is known, to one of the most successful institutions of higher learning in our country.

A graduate of Harvard University where, as a Veterans National Scholar, he earned his B.A., magna cum laude, in 1949, he went on to Oxford University, England, where as a Rhodes Scholar, he earned a Ph.D. with a dissertation on the anarchist movement in Spain.

John Brademas is married to Dr. Mary Ellen Brademas, a physician in private practice, a dermatologist, affiliated with the NYU Medical Center.

On May 2, 2009, John Brademas delivered the keynote address, ''Rotary: Pathfinder to Peace,'' for a statewide conference in Indianapolis of members of Rotary Clubs from throughout Indiana.

I believe my colleagues will read with interest John Brademas' address on this occasion, and I ask unanimous consent to have the text of his remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROTARY: PATHBUILDER TO PEACE

KEYNOTE ADDRESS OF DR. JOHN BRADEMAS, PRESIDENT EMERITUS, NEW YORK UNIVERSITY AND FORMER MEMBER (1959–1981), U.S. HOUSE OF REPRESENTATIVES (DEM.–IND.)

ROTARY INTERNATIONAL DISTRICT 6506 CONFERENCE

(Indianapolis, Indiana, May 2, 2009)

Rotary District Governor, Judge Tom Fisher; Rotarians all, I am greatly honored to have been invited to open your conference in Indianapolis today.

In the first place, I am a fellow Hoosier. My mother was born in Grant County, Indiana, and my two brothers, sister and I, while students in school in South Bend, would spend summers in the small Grant County town of Swayzee at the home of my mother's parents, Mr. and Mrs. William Chester Goble.

As my grandfather had been a school principal and college history professor, he had a library in their home of some 6,000 books. My brothers, sister and I practically lived in that library during those summers—an invaluable experience.

My mother was a schoolteacher and my father ran a restaurant. My dad, Stephen J. Brademas, was born in Greece, and although we four children grew up with a strong sense of pride in our Hellenic ancestry, we were all members of the Methodist Church.

I must add that I am the first person of Greek origin elected to the Congress of the United States, and only last month I was at the White House for a reception hosted by President Obama to mark Greek Independence Day, while some days after that, I attended a similar reception at Gracie Mansion, the home of Mayor Bloomberg of New York City.

You may also be interested to know that when I was a senior at South Bend Central High School, P. D. Pointer, our school principal, invited me to join him at the regular luncheons of the Rotary Club of South Bend.

ROTARY CLUB OF SOUTH BEND

Indeed, on inquiry of the Rotary Club of South Bend about those luncheons, I learned that 65 years ago, the students who attended them were not called ''Junior Rotarians'' but ''High School Boys'' even as I was reminded that in January 1945, 65 years ago, I gave the farewell for the ''High School Boys'' who graduated from Rotary luncheons that week.

So it's obvious that my link with Rotary goes back a long way!

After high school, with World War II still on, I enlisted in the Navy and was sent to an officers' training program at the University of Mississippi, in Oxford, Mississippi.

Following my freshman year at ''Ole Miss'', with the war over, and discharged, I went to Cambridge, Massachusetts and Harvard where I completed college, graduating in 1949. And I'll be back at Harvard next month for the 60th reunion of my graduating class.

While at Harvard, I spent a summer working with Aztec Indians in rural Mexico, wrote my college honors thesis on the Sinarquista movement there and four years later, at the other Oxford, in England, as a Rhodes Scholar, wrote my Ph.D. dissertation on the anarchist movement in Spain, which was centered in Catalonia.

My study of the anarchists was published thirty-five years ago, in Spanish, in Barcelona, and, in fact, only last December, I was awarded an honorary degree by the University of Barcelona.

I like to say that although I studied anarchism, I did not practice it! For only months after returning to South Bend, I was running for Congress.

Just old enough under the Constitution to be a candidate, I lost my first race, in 1954,

by half a percent. Not surprisingly, I decided to run again two years later and lost a second time, in 1956.

My political godfather, you may be interested to know, was a Hoosier who became Chairman of the Democratic National Committee, the late Paul M. Butler of South Bend.

Indeed, as I've said, one reason I was so pleased to accept the invitation to address you today is that it's good to be back home in Indiana—and surrounded by fellow Hoosiers!

After a brief stint serving in Chicago on the presidential campaign staff of Adlai Stevenson, I again ran for Congress and, as I told you, I lost a second time—as did he—in 1956. But I still thought I could win, and on my third try, in 1958, was first elected, then ten times reelected, and so was a Member of Congress for twenty-two years.

I am delighted in this respect to see here today a distinguished member of the Supreme Court of the State of Indiana, Justice Frank Sullivan, and his wife, Cheryl. Justice Sullivan was at one point my top assistant when I was a Member of Congress and, indeed, his wife, Cheryl, was also a member of my staff. She now serves on the staff of Senator Evan Bayh as Policy Director.

I served on Capitol Hill during the Administrations of six Presidents: three Republicans—Eisenhower, Nixon and Ford; and three Democrats—Kennedy, Johnson and Carter.

MAJORITY WHIP, HOUSE OF REPRESENTATIVES

During my last four years, I was the Majority Whip of the House of Representatives, third-ranking position in the House Democratic Leadership.

Every other week, as Whip, I would join Speaker ''Tip'' O'Neill of Massachusetts, House Majority Leader Jim Wright of Texas, Senate Majority Leader Bob Byrd of West Virginia and Senate Majority Whip Alan Cranston of California for breakfast at the White House with President Carter and Vice President Mondale. All Democrats, we talked politics and policy. It was a fascinating experience and I've just written to President Obama to urge, respectfully, that he follow the same practice.

Indeed, because, as you may know, President Obama will, in two weeks, give the commencement address at the University of Notre Dame, in my old Congressional District, I hope, as I plan to be there, to review my suggestion with him then.

Beyond serving as Whip, I found my principal responsibility in Congress was on the Committee on Education and Labor of the House of Representatives. There, for more than two decades, I helped write all the Federal laws then enacted to support schools, colleges and universities; libraries and museums; education for handicapped children; the National Endowments for the Arts and the Humanities; Head Start; the War on Poverty; the Drug and Alcohol Abuse Education Act; the Environmental Education Act; and the Pell Grants for aid to college students.

INTERNATIONAL EDUCATION ACT

But of particular interest, I trust, to Rotarians is that I was also chief author of the International Education Act of 1965, a measure that authorized Federal grants to colleges and universities to offer courses about other countries.

This legislation is, in my view, directly in harmony with the central mission of Rotary International.

For, as you Rotarians know better than I, the fundamental mission of Rotary, as it describes itself, is ''to build world peace and understanding through its network of over 1.2 million members in over 32,000 clubs in 200 countries and geographical areas.''

The description continues: Rotary club members, coming from all political, social and religious backgrounds, are united in their mission to promote international understanding through humanitarian and educational programs. Rotary clubs initiate projects both locally and internationally, to address the underlying causes of conflict including illiteracy, disease, hunger, poverty, lack of clean water and environmental concerns.

PRESIDENT, NEW YORK UNIVERSITY

I leap ahead. Following my defeat in my campaign for reelection in 1980, I was invited to become President of New York University, the largest private, or independent, university in the United States.

Located in Manhattan, headquartered on Washington Square Park, NYU, as it is familiarly known, I found an exciting place to be, and to lead it, an exciting challenge.

You will not be surprised, in view of what I've told you, that I gave particular attention to NYU's programs for the study of other countries and cultures.

I found on arrival in 1981 that New York University was already strong in French and German Studies.

Two years later, in 1983, I awarded an honorary degree to King Juan Carlos I of Spain, announced a professorship in his name and in 1997, in the presence of Their Majesties, the King and his Greek Queen, Queen Sofia, and of the then First Lady of the United States, now Secretary of State, Hillary Rodham Clinton, I dedicated the King Juan Carlos I of Spain Center at NYU for the study of the economics, history and politics of modern Spain.

All this was the result of my having, as a schoolboy in South Bend, read a book about the Maya! So I know what early exposure to another culture, another country, another language has meant in my own life.

And I believe that among the reasons—I do not say the only one—the United States suffered such loss of life and treasure in Vietnam and does now in Iraq is ignorance—ignorance of the cultures, histories and languages of those societies.

I add that the tragedies of 9/11, Madrid, London, Bali and Baghdad must bring home to us as Americans the imperative, as a matter of our national security, of learning more about the world of Islam.

But it is not only for reasons of national security that we must learn more about countries and cultures other than our own. Such knowledge is indispensable, too, to America's economic strength and competitive position in the world.

The marketplace has now become global. Modern technology—the Internet, for example—has made communication and travel possible on a worldwide basis. In the last few years, I myself have visited Spain, England, Greece, Jordan, Morocco, Cuba, Kazakhstan, Japan, Turkey and Vietnam.

INTERNATIONAL STUDIES AT NYU

Reflecting on my commitment to international education, I can say that during my presidency of NYU, my colleagues and I established a Center for Japan-U.S. Business & Economic Studies, a Casa Italiana Zerilli-Marimò, Onassis Center for Hellenic Studies, a Remarque Institute for the Study of Europe, a Center for Dialogue with the Islamic World. And with a gift from a foundation established by the late Jack Skirball, an Evansville, Indiana rabbi, who went into the motion picture business and became very successful, the Skirball Department of Hebrew and Judaic Studies.

NYU has also opened several campuses abroad—in Madrid, Florence, Prague, London, Paris and most recently, Dubai, Ghana and Shanghai. We have established an NYU base in Buenos Aires and will shortly do so as well in Tel Aviv.

Moreover, when I last looked, New York University is among the top half-dozen universities in the United States in hosting students from other countries.

Now if as a Member of Congress and as president of New York University, I pressed for more study of other countries, cultures and languages, I continued—and continue—to do so wearing other hats.

Appointed, by President Clinton, chairman of the President's Committee on the Arts and the Humanities, which in 1997 produced a report, Creative America, with recommendations for generating more support for these two fields in American life, I was naturally pleased that our committee recommended that our ''schools and colleges . . . place greater emphasis on international studies and the history, languages and cultures of other nations.''

As for seven years chairman of the National Endowment for Democracy, the Federally financed agency that makes grants to private groups struggling to build democracy in countries where it does not exist, I had another exposure to the imperative of knowing more about other countries and cultures.

I continued that interest through service on the World Conference of Religions for Peace; on the advisory council of Transparency International, the organization that combats corruption in international business transactions; and by chairing the American Ditchley Foundation, which helps plan discussions of policy issues at Ditchley Park, a conference center outside Oxford, England.

SENATORS RICHARD LUGAR AND EVAN BAYH

Here I must note that citizens of Indiana can take pride in the leadership in the shaping of our national foreign policy offered by three distinguished legislators in Washington. Senator Richard Lugar is former chairman of, and now ranking Republican on, the Senate Foreign Relations Committee, while Lee Hamilton was for a number of years chairman of the House Committee on Foreign Affairs and is now director of the Woodrow Wilson International Center in Washington, D.C.

Moreover, Indiana's junior Senator, Evan Bayh, has important assignments in foreign affairs through membership on four committees—Armed Services, Intelligence, Banking, and Energy and Natural Resources.

Preparing for my visit with you today, I had a good conversation with Harriet Mayor Fulbright, the widow of another distinguished Congressional leader in foreign affairs, the late Senator J. William Fulbright. Harriet told me about a forthcoming—November 1 to 3—Global Symposium of Peaceful Nations.

The purpose of the Symposium, to be held in Washington, D.C., will be ''to call attention to the value of peace and the strategies available to achieve a more peaceful world.'' The Symposium, to be sponsored by the Alliance for Peacebuilding and the J. William & Harriet Fulbright Center, will focus on measuring, defining and quantifying ''peace'', in order, Mrs. Fulbright added, that countries can understand ''the elements of peacefulness''. When I told her I would be speaking to you today, Mrs. Fulbright strongly affirmed the role that Rotarians can play in this effort to recognize and press for the achievement of these elements for global peace. We can, she said, learn how countries are organized to find peace and we can stimulate the leadership to promote peace.

Clearly, business and the professions have a deep moral interest as well as business and professional interests in building a world of peace.

I hope that Rotarians will pay attention to the forthcoming Global Symposium because

its mission is so much in harmony with the stated goals of Rotary. For I remind you that among the objectives of Rotary is ''the advancement of international understanding, goodwill and peace through a world fellowship of business and professional persons united in the ideal of service.''

Here are some specific suggestions for what Rotary Clubs and individual Rotarians can do to achieve those objectives. Certainly, Rotary should continue to support current programs such as Polio Plus, Rotary Youth Exchange, for students in secondary education, and the Rotary Foundation's Ambassadorial Scholarships as well as Rotary Fellowships, which support graduate fellowships in other countries.

ROTARY WORLD PEACE FELLOWS

I draw particular attention to a relatively new initiative, the ''Rotary Peace and Conflict Resolution Program'', which provides funds for graduate study in several universities around the world. I note that Rotary World Peace Scholars are to complete two-year studies, at the Master's level, in conflict resolution, peace studies and international relations, and that only five years ago, the Rotary World Peace Fellows Association was established to encourage interaction among scholars, Rotarians and the public on issues related to peace studies.

ROTARY GRADUATE FELLOW, JOAN BRETON CONNELLY

Here let me cite an example with which I am familiar of the impact of a Rotary Fellowship.

In 1979, the Rotary Club of Toledo, Ohio awarded Joan Breton Connelly a Rotary International Graduate Fellowship enabling her to spend a year of study in Athens, Greece. The fellowship supported her participation in the American School of Classical Studies distinguished program in Classical Archaeology. The generous terms of her fellowship allowed her to go to Athens three months early for intensive language training in modern Greek, an utterly transformative experience for Connelly.

She has returned to Greece every one of the 30 years that have followed, participating in and now, leading, archeological expeditions. A Professor of Classics and Art History at New York University, Connelly has taken hundreds of her own students to Cyprus where she has directed the Yeronisos Island Excavation Field School for nineteen summers.

Rotary International's investment in the young Joan Connelly has certainly paid off. In 1996, she was awarded a MacArthur Foundation ''Genius'' Award for pushing the boundaries of our understanding of Greek art and myth, reinterpreting the Parthenon frieze. She has become a leader in the preservation of global cultural heritage, having served on the President's Cultural Property Advisory Committee, U.S. Department of State, since 2003.

In 2002, the Republic of Cyprus awarded Dr. Connelly a special citation for her leadership in the exploration and preservation of Cypriot cultural heritage.

In 2000, she was granted honorary citizenship by Municipality of Peyia, Republic of Cyprus, singling her out as the only American citizen to enjoy this status. Professor Connelly attributes all these successes to that first break, the Rotary International Graduate Fellowship that so generously opened for her a new world and gave her, through rigorous language training, the all-important gift of communication.

So I think that Rotary International, Rotary Clubs and Rotarians are on the right track!

Here I remind you that there are 33,000 Rotary Clubs in over 200 countries and geographical areas with over 1.2 million business, professional and community leaders as members.

I must also tell you that a few years ago (2006), I co-chaired the Subcommittee of the Committee for Economic Development (CED) which produced a report entitled, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security, and that our report made these recommendations:

1. That international content be taught across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures.

2. That we expand the training pipeline at every level of education to address the paucity of Americans fluent in foreign languages, especially critical and less commonly taught ones such as Arabic, Chinese, Japanese, Korean, Persian/Farsi, Russian and Turkish.

3. That national leaders—political, as well as business, philanthropic and media—educate the public about the importance of improving education in foreign languages and international studies.

You will not be surprised, in view of what I have already said, that to these recommendations I say anew, ''Amen!''

Indeed, only a few days ago, former Congressman Lee Hamilton, with whom I spoke about my visit with you today, observed that one aspect of the foreign policy of the United States that pays the highest dividend is our support for international exchanges.

CONGRESSMAN LEE HAMILTON

Lee Hamilton, as you know, one of the most highly respected Members of Congress of our era, told me, ''A foreigner who has studied in the United States will become an ally.'' Lee said that Rotary Clubs were one of the key groups with whom he met in Indiana and added, ''Rotary Clubs in Indiana are movers and shakers, civic-minded leaders in their communities.''

Now you all know that I am a Democrat but speaking to you today, I am pleased to recall the budget recommendation of President Bush for Fiscal 2007 for programs to strengthen international and foreign language study and to remind you that just four years ago, President Bush told a group of university presidents in the United States how important it was to strengthen the study of foreign languages, particularly Arabic and other critical languages.

Here I echo the final sentence of the CED Report of which I earlier spoke, ''Our national security and our economic prosperity ultimately depend on how well we educate today's students to become tomorrow's global leaders.''

To that again I say, ''Amen!''

CSIS COMMISSION ON SMART POWER

As I reflected further on my remarks today, I recalled a most thoughtful report, issued a couple of years ago by the Center for Strategic and International Studies (CSIS), entitled the CSIS Commission on Smart Power. The report, produced by an impressive group of American leaders, co-chaired by Richard L. Armitage, former Deputy Secretary of State and Assistant Secretary of Defense for International Security Affairs, and Joseph S. Nye, Jr., distinguished service professor at Harvard, former dean of the Kennedy School of Government there, and also former Assistant Secretary of Defense for International Security Affairs and the chairman of the National Intelligence Council, and including such other figures as former Supreme Court Justice Sandra Day O'Connor, Senators Jack Reed and Chuck Hagel and several prominent leaders of business and industry, asserted:

The United States must become a smarter power by once again investing in the global good—providing things people and governments in all quarters of the world want but cannot attain in the absence of American leadership. By complementing U.S. military and economic might with greater investments in soft power, America can build the framework it needs to tackle tough global challenges.

You will not be surprised that among the recommendations of the CSIS Commission on Smart Power is greater investment in education at every level.

The authors of the report assert: ''Countries with a higher proportion of 15-to-29 year-olds relative to the adult population are more likely to descend into armed conflict. Education is the best hope of turning young people away from violence and extremism. But hundreds of millions of children in the developing world are not in school or else attend schools with inadequate teachers or facilities. . . . An annual meeting could help increase the saliency of U.S. bilateral and multilateral efforts to increase education levels worldwide . . .

The report goes on to observe:

''. . . [T]he number of U.S. college students studying abroad as part of their college experience has doubled over the last decade to more than 200,000, though this still represents slightly more than 1 percent of all American undergraduates enrolled in public, private and community institutions. One way to encourage U.S. citizen diplomacy is to strengthen America's study abroad programs at both the university and high school levels . . .''

In addition to increasing the number of American students going abroad, the next administration should make it a priority to increase the number of international students coming to the United States for study and research and to better integrate them into campus life.

America remains the world's leading education destination, with more than a half-million international students in the country annually.

We urge the next president of the United States to make educational and institutional exchanges a higher priority . . .

The American private sector also has a responsibility to educate the next generation of workers. The next president should challenge the corporate sector to develop its own training and internship programs that could help teach the skills that American workers will need in the decades to come. The next administration should consider a tax credit for companies to make their in-house training available to public schools and community colleges.

The concluding paragraph of the report of the CSIS Commission on Smart Power is also worth quoting here: ''America has all the capacity to be a smart power. It has a social culture of tolerance. It has wonderful universities and colleges. It is has an open and free political climate. It has a booming economy. And it has a legacy of idealism that channeled our enormous hard power in ways that the world accepted and wanted. We can become a smart power again. It is the most important mandate for our next president.''

I think you can see from what I have told you of the recommendations in this report how closely they harmonize with the goals and mission of Rotary.

ROTARY CLUBS, ROTARIANS: PATHBUILDERS TO PEACE

So I hope that individual Rotarians and Rotary Clubs will, wherever they are, among their other commitments, lend support to efforts, both private and public, to encouraging education about other countries and

cultures and in this way, in the language of Rotary International, ''provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world.''

In this way, Rotary Clubs and Rotarians can be pathbuilders to peace.

Now both because of the pressures of the economic recession and the commitment of Rotary International and, indeed, of our conference in Indianapolis to ''World Peace and Understanding'', I want to call to your attention a development only several days ago that I believe directly relevant to our discussions.

I could, of course, speak of President Obama's stimulus plan with its several features designed to put more cash into the pockets of taxpayers, laid-off workers, and first-time homebuyers as well as college students. But I want rather to take note of the action only last month of Congress in voting, by overwhelming bipartisan majorities, approval of the Serve America Act of 2009. This legislation, co-sponsored by Senators Edward M. Kennedy, Democrat of Massachusetts, and Orrin Hatch, Republican of Utah, would by 2017 triple the number of participants in AmeriCorps, our major national service program, and create a number of new volunteer programs. AmeriCorps members work for ten months to one year for a modest stipend, and when they finish, get a grant for education.

JOHN BRADEMAS CENTER FOR THE STUDY OF CONGRESS

Finally, I shall take advantage of this forum to say just a word about what is now my own major initiative in my capacity as president emeritus of New York University. It is the John Brademas Center for the Study of Congress, located in NYU's Robert F. Wagner Graduate School of Public Service.

For I think it is not as widely understood as it should be that in our American separation-of-powers constitutional system, Congress—the Senate and House of Representatives—the legislative branch of our national government, can be a source of national policy as well as are the President of the United States and members of the executive branch.

I've earlier given you one example directly related to the commitment of Rotary, the International Education Act. This measure did not originate in the White House but on Capitol Hill.

It is, however, not easy for even informed Americans to understand the operation of Congress. After all, there are 100 Senators and 435 Representatives and we do not, customarily, have the strict party discipline commonly found in parliamentary democracies.

So how does Congress make policy?

Our Center sponsors lectures, symposia and research on the ways in which the Congress of the United States initiates and shapes national policy.

A modest example: While in Congress I was chief author in the House of Representatives of the Arts and Artifacts Indemnity Act of 1975. This law enables museums, galleries, and universities to borrow art from abroad as well as lend parts of their collections to museums in other countries without paying the prohibitive cost of private insurance. The Federal Government, under this legislation, indemnifies the works on loan.

So, last January, we convened, at NYU, under the auspices of the Brademas Center, a colloquium, which examined the impact of this legislation and ways to expand it. The session was led by former National Endowment for the Arts Chairman Bill Ivey and brought together leaders from the museum, foundation and performing arts worlds as well as scholars of arts and public policy and public officials. Based on our discussions, we are preparing a report to the President and Congress with recommendations for expanding international arts and cultural exchanges as part of a renewed strategy for U.S. public diplomacy.

To reiterate, in view of the commitment of Rotary ''to encourage and foster the ideal of humanitarian service'' and ''to help build goodwill and civil peace in the world'', I believe it wholly fitting that Rotarians as individuals and Rotary Clubs as community organizations, wherever located, encourage and support education about other countries and cultures.

To conclude, as I reflected on what I might say to you today, I realized that such is the role of the United States in the world today that challenges never cease.

For example, in light of President Obama's recent encounter with President Hugo Chávez of Venezuela, we must ask where is United States policy toward Cuba going?

Given the recent attacks on American vessels by Somali pirates operating off the coast of Somalia, what is our appropriate response?

Then comes the controversy over the correct action—if any—to take with respect to Central Intelligence Agency interrogators who apparently tortured detainees during the presidency of George W. Bush.

And beyond these challenges in foreign policy is, of course, the economic challenge here at home—the recession. That is the subject for another speech and one I shall certainly not inflict on you today.

Clearly, as we look at the challenges our country faces both at home and abroad, we can all agree that dealing with them requires the most knowledgeable and intelligent responses our country can make. And that's why I believe that the commitment of Rotarians ''to bring together business and professional leaders to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world'' is still as valid, indeed, essential today as when I was one of the ''High School Boys'' attending luncheons at the South Bend Rotary Club.

Again, I count it an honor to have been invited to address you and I wish you, my fellow Hoosiers, all the best in the years ahead!

ALASKA DECORATION OF HONOR CEREMONY

Mr. BEGICH. Mr. President, it is my pleasure to rise today in honor of the military men and women serving our country across the country and overseas. As Memorial Day approaches, I want to personally recognize the sacrifice these service men and women and their families are making for our Nation.

In 233 years of American history, the struggle for freedom has remained ever present. During this time, our Nation has surrendered its bravest men and women to liberate the oppressed and to ensure freedom for future generations. In doing so, battle lines were drawn and blood was spilled on both U.S. and foreign soil.

I am certain the dedicated service and sacrifice of our men and women who met the challenges defined by those battle lines safeguarded the freedom and democracy we all cherish. In recognition of that fact, we pause each year on Memorial Day to recognize and honor those who have given their all on the field of battle.

There is simply no greater service and no braver act than a warrior willing to stand in the face of evil and selflessly make the ultimate sacrifice.

We must never forget these brave Americans and their actions which have earned them a place in our hearts and their names on the role of honor for this State and this Nation.

This year we also pause to specifically honor those Alaskans who have given the last full measure of devotion on the battlefield in defense of freedom and democracy. We recognize them with the Alaska Decoration of Honor.

Alaska celebrates the 50th anniversary of its statehood this year. There will be hundreds of events and celebrations to mark this anniversary, but one of the most important ones is this weekend in Anchorage when every Alaska soldier killed in action is presented with the Alaska Decoration of Honor.

I thank the families of these soldiers for traveling to Alaska to be part of the ceremony, and again honor our current service men and women on this Memorial Day.

2008 ALASKA DECORATION OF HONOR MEDAL RECIPIENTS

Shawn G. Adams, Jesse Bryon Albrecht, Christopher M. Alcozer, Eugene Henry Eli Alex, Charles D. Allen, Carl Anderson Jr., Thomas Edward Andrson, Kurtis Dean Kama-O-Apelila Arcala, Brian D. Ardron, Michael Dean Banta, Edward Nasuesak Barr, Thomas M. Barr, Daniel D. Bartels, Richard Gene Bauer, Ryan J. Baum, Shane R. Becker, Larry LeRoy Betts, Jeffrey Dean Bisson, Alan R. Blohm, Jeremiah J. Boehmer.

Matthew Charles Bohling, Matthew T. Bolar, John G. Borbonus, Christopher Robert Brevard, James L. Bridges, David Dee Brown Jr., Charles Edward Brown, William F. Brown, Gary Edwin Bullock, Jaime L. Campbell, William Steven Childers, Johnathan Bryan Chism, Donald Georg Chmiel, Donald V. Clark, Brad A. Clemmons, Adare William Cleveland, Ryan D. Collins, Clinton Arthur Cook, Jason Jarrard Corbett, Daniel Franklin Cox.

Shawn R. Creighton, Eric B. Das, George W. Dauma Jr., Carletta S. Davis, David J. Davis, Michael W. Davis, Wilbert Davis, Dustin R. Donica, William Bradley Duncan, Scott Douglas Dykman, William Albert Eaton, Michael Ignatius Edwards, Cody J. Eggleston, David Henry Elisovsky, Robert Thomas Elliott III, Shawn Patrick Falter, Sean Patrick Fennerty, David Lynn Ferry, Sean P. Fisher, Nick Ulysses Fleener.

Victor M. Fontanilla, Phillip Cody Ford, Kraig D. Foyteck, Lucas Frantz, Grant B. Fraser, Jacob Noal Fritz, Charles F. Gamble Jr., Brennan Chriss Gibson, Micah S. Gifford, Dale Anthony Griffin, Howard Wayne Gulliksen, Daniel Lee Harmon, Dustin J. Harris, Raymond L. Henry, Irving Hernandez Jr., Adam Herold, Patrick W. Herried, Kenneth Hess, William Earl Hibpshman, Michael Thomas Hoke.

Jaron D. Holliday, Jerry Verne Horn, Michael R. Hullender, Christian P. Humphreys, Kurt Int-Hout, Sam Ivey, Steven R. Jewell, Christopher C. Johnson, Jeremiah Jewel Johnson, Wayne Elmer Jones, Alexander Jordon, Jason A. Karella, Adam P. Kennedy, Gilbert Ketzler Jr., George Gregory Kilbuck, Jeremiah C. Kinchen, Donald Harry Kito, Howard Mark Koslosky, Russell A. Kurtz, Kermit Harold La Belle Jr.

Jason K. LaFleur, Mickey Daniel Lang, Jason Lantieri, David Alen Lape, Michael H.

Lasky, Aaron Latimer, Robert Edward Lee, Henry W. Linck, James T. Lindsey, Norman Lewis Lingley, Joseph I. Love-Fowler, Jeremy M. Loveless, Bryan C. Luckey, Bradley W. Marshall, Thomas M. Martin, Brian McElroy, Jackie L. McFarlane Jr., Patrick M. McInerney, Jacob Gerald McMillan, Phillip David McNeill.

Benjamin E. Mejia, Jacob Eugene Melson, Kenneth Bruce Millhouse, Johnathon Miles Millican, Robert J. Montgomery, Trista L. Moretti, Christopher R. Morningstar, Shawn Matthew Murphy, Jason L. Norton, Toby Richard Olsen, Warren Paulsen, Joshua M. Pearce, Coty J. Phelps, William Francis Piaskowski, Heath K. Pickard, Larry Joe Plett, David Shelton Prentice, Cody A. Putman, Lloyd Steven Rainey, Daniel F. Reyes.

Stanley B. Reynolds, Andrew William Rice Jr., Floyd Whitley Richardson, Norman Franklin Ridley, Michelle R. Ring, Timothy J. Roark, Donald Robert Robison, Jessy S. Rogers, Jonathan Rojas, Donald Ray Sanders, Daniel R. Sexton, Frederick M. Simeonoff, Nicholas R. Sowinski, Donald Walter Sperl, Clifford A. Spohn III, Lance Craig Springer II, Derek T. Stenroos, Joseph A. Strong, Stephen Sutherland, William Arthur Thompson.

Douglas L. Tinsley, Chester William Troxel, Colby J. Umbrell, Joe Wayne Vanderpool, John S. Vaughan, Dustin S. Wakeman, Mark A. Wall, William Francis Walters, Shannon Weaver, Mason Douglas Whetstone, Arthur Joseph Whitney Jr., Jamie Duggan Wilson, Daniel Eugene Woodcock, Shane William Woods, James R. Worster, David Reese Young Jr.

POST-DEPLOYMENT HEALTH ASSESSMENT ACT OF 2009

Mr. JOHANNS. Mr. President, I rise today to offer my support for the Post-Deployment Health Assessment Act of 2009. I am pleased to join my colleague, the senior Senator from Montana, in cosponsoring this important legislation.

The Post Deployment Health Assessment Act requires the Defense Department to increase mandatory mental health screenings for military personnel who deploy to combat. This legislation is important and necessary because of the alarming increase in combat-related psychological injuries suffered by our soldiers overseas.

A RAND study in 2008 concludes that nearly 20 percent of Iraq and Afghanistan veterans suffer from Post Traumatic Stress Disorder or depression. That is nearly 300,000 returning American servicemembers. It also finds that rates of marital stress, substance abuse, and suicide are all increasing.

According to a report released earlier this year, the Army's suicide rate hit a record high last year, putting the suicide-per-capita rate higher than the national population. In the first three months of this year, there have already been 56 reported suicides in the Army. If that rate is maintained for the rest of this year, we will have another unfortunate, record-breaking year for military suicides.

Soldiers returning from deployment are already required to receive an in-person mental health assessment when they return home. The Post Deployment Health Assessment Act requires that soldiers receive an assessment from personnel trained to conduct such screenings before they deploy. That way, the screening personnel has a reference point and can monitor the soldier's progress and any serious changes that may have occurred during the soldier's deployment. The Post Deployment Health Assessment Act also requires soldiers to receive mental health assessments every six months for two years after they return from combat. The periodic assessments allow health personnel to monitor a soldier's adjustment from the combat zone back into normal society. By providing the mental health screening program called for in the Post Deployment Health Assessment Act, we will give the Defense Department an effective system for diagnosing the unseen scars that are so prevalent amongst our combat veterans.

The program proposed by this bill is based on a pilot program developed by the Montana National Guard. When I heard about it, the program made a great deal of sense to me. That unit has improved the mental health care its servicemembers receive, and it seems natural to implement such a program to benefit all of our warriors and veterans.

Since the beginning of the wars in Iraq and Afghanistan, Congress has acted to protect the physical health of the soldiers on the front lines. Congress responded to the needs of our fighting men and women by funding more body armor and reinforced vehicles. Now, we must do more to protect the mental health of our war fighters by giving them the access to mental health screenings that can help them get ahead of debilitating depression and other disorders that result from intense combat experiences.

Finally, I point out that my colleagues need look no further for support than to the veterans whom this bill will help. It has been endorsed by groups representing our brave warriors such as the Iraq and Afghanistan Veterans of America, the Veterans of Foreign Wars, the National Guard Association, and the Enlisted Association of the National Guard.

I urge my colleagues to support the Post-Deployment Health Assessment Act of 2009, and I look forward to its swift passage so that our soldiers and veterans can get the treatment and protection they need.

TRIBUTE TO LTC JOHN H. BURSON III, MD

Mr. CHAMBLISS. Mr. President, I rise today to recognize the selfless commitment to the U.S. Army Reserve and to this Nation, of a true American patriot, LTC John H. Burson III, MD.

Lieutenant Colonel Burson is a citizen of Carrollton, GA, and earned his bachelor's, medical, doctor of philosophy and doctor of medicine degrees from the Georgia Institute of Technology and Emory University.

During his medical career, Dr. Burson pioneered a new health care facility with outpatient surgery in Villa Rica, GA, that served as the forerunner for a new Villa Rica hospital with multiclinic services.

Later, he led and personally funded college students to visit various World War II historical sites including an extended tour of Normandy and related battlefields in order to educate America's youth about American history, especially the military. I would like to yield to my friend, Senator ISAKSON for further remarks.

Mr. ISAKSON. Mr. President, I thank the Senator for yielding and also rise in recognition of Lieutenant Colonel Burson and his incredible life story. Lieutenant Colonel Burson volunteered for reserve duty in Operation Iraqi Freedom and Operation Enduring Freedom at the age of 70 in order to relieve active-duty doctors so they could carry out other duties. To this end, he searched nationwide for military units in need of a medical doctor and even delayed the celebration of his 50th wedding anniversary for his upcoming deployment with the medical unit of the Indiana National Guard.

Lieutenant Colonel Burson was assigned as medical officer for the U.S. Embassy in Iraq from November 2005 to March 2006 and served as one of the doctors overseeing treatment of former Iraqi President Saddam Hussein. During this time, he was part of the team that successfully convinced Hussein to end his hunger strike. He did this while also performing surgery and treating patients at a nearby trauma/emergency care unit. Lieutenant Colonel Burson was 71 by the time he completed this deployment.

At such a point in life, many men and women are well into their retirements. However, after his first deployment to Iraq, Lieutenant Colonel Burson instead renewed his search for a combat arms unit in need of a doctor during the 2007 troop surge in Iraq. He served an additional deployment with an Army Reserve military police battalion from Raleigh, NC, from August 2007 to November 2007 at age 73.

Today, as we stand before you on this floor, this extraordinary American will have just returned home after his third combat deployment. At 75 years of age, he has just completed another full tour, this time in Afghanistan.

MR. CHAMBLISS. Mr. President, I thank the Senator for his kind observations regarding Dr. Burson's service. Lieutenant Colonel Burson illustrates the selflessness, commitment to excellence, and courage that exemplifies American character. We applaud the altruistic manner with which he has undertaken and completed each mission. Three combat tours can wear on the best of men, but Lieutenant Colonel Burson has met these challenges head on and succeeded. As long as this great Nation has men like Colonel Burson, who hold true to the values that reveal the best in us, we will remain a world leader.

ADDITIONAL STATEMENTS

REMEMBERING DAVID D. RASLEY

● Mr. BEGICH. Mr. President, I pay tribute to a Mr. David D. Rasley, Sr., who passed away on May 8, 2009. Mr. Rasley was a 50-year resident of Alaska. Working in the construction field, he was highly regarded in the Fairbanks labor community. He also gave tirelessly to community causes before and after his retirement. Dave was very proud of his Army service.

I have included his obituary below and ask that it be printed in the RECORD. Interior Alaskans mourn the loss of Dave Rasley and join in offering condolences to his wife of nearly 58 years, Luella, sons David, Ron and Brian and his grandchildren, Michael and Carolyn.

The information follows:

David Dale Rasley Sr. died May 8, 2009, after a long battle with cancer.

He was born on December 2, 1928, in Deer River, MN. Dave lived in Fairbanks for more than 50 years and came to Alaska for good in 1959 shortly after statehood.

Dave had come first to Alaska in 1948 with some family and friends to work on post-World War II projects in Anchorage, Kodiak and Fairbanks. He returned to Minnesota and was drafted into the Army in 1950.

Dave married his wife, Luella, June 7, 1951, in Port Townsend, WA, while he was in the Army. He loved Luella very much, and they were married for almost 58 years. He was proud of his military service and was stationed at Camp Desert Rock, NV, and participated in at least three atomic bomb tests during the early 1950s. His unit helped build some of the test facilities and participated in what are now known to be dangerous post blast tests.

Shortly after moving to Alaska in 1959, he worked on the Cold War DEW line installations at Barter Island and Clear Air Force Station. In 1961 he was diagnosed with myasthenia gravis, a rare neuromuscular disease and was told he might not survive long, or would be wheelchair-bound. He underwent experimental surgery at the University of Washington and with medication was able to function normally.

He began classes at the University of Alaska Fairbanks and graduated with a bachelor of science degree in business in 1966. He worked in the construction industry for two years, then took a job with the Operating Engineers Union Local 302 as a field agent. He eventually became the head agent for the northern region of the state and was involved in the trans-Alaska oil pipeline and related work contract agreements for IUOE Local 302 until his retirement in 1989.

Dave was also proud of his 32 years of work as a board member of the Fairbanks Memorial Hospital and a past president of the board. He was involved in FMH projects such as the Denali Center, Imaging Center, Cancer Treatment Center and several general hospital expansions.

Dave and Luella were big sports fans supporting UAF hockey, men and women's basketball, volleyball, and other UAF activities. They were fixtures and season ticket holders for Gold Kings, Ice Dogs, UAF hockey teams and Fairbanks Goldpanners baseball team. Dave was a Goldpanner board member for many years and was not afraid to get involved when a volunteer was needed.

David is survived by his wife, Luella; sons, David Jr. (Beverly), Ron (Stephanie), Brian; and by his grandchildren, Michael and Carolyn. David was a true Alaskan and will be missed.●

REMEMBERING L. WILLIAM SEIDMAN

● Mr. BOND. Mr. President, today I pay tribute to the life of Bill Seidman who passed away last week.

Bill was a man whose love for his country was matched only by his love for his family. Bill's life is heavily marked with numerous accomplishments in both his personal and professional lives that had a profound impact on many individuals and families who knew him and on those who never knew him.

To many of my Senate colleagues, Bill will be most remembered as the man who rescued our economy during the Savings and Loan Crisis in the late 1980's. As the Chairman of the Federal Deposit Insurance Corporation, FDIC, and head of the Resolution Trust Corporation, RTC, he faced down a national economic crisis, the likes of which had not been seen since the Great Depression, and fundamentally changed the way the government dealt with failing banks.

In that time of fear and deep economic uncertainty, Bill stood out as the leader who stood on principle, talked straight, and told it like it was. It did not always make him popular and angered those who wanted him to ''toe the line.'' However, it earned him the trust, respect, and credibility of policymakers, government officials, financial industry officials, and millions of citizens all across America.

But there was more to Bill than his public service achievements. His accomplishments were so numerous—and his humility so great—that many of them went unnoticed. He served his country during World War II and received the Bronze Star for his service as a communications officer on a destroyer while serving in the invasion of the Philippines, Iwo Jima, and Okinawa. He spoke very little about his service during the war, like many of his great generation.

Bill earned degrees from some of the finest institutions in the Nation—his undergraduate degree from Dartmouth, a law degree from Harvard, and an MBA from the University of Michigan.

Bill was born in Grand Rapids, MI, where he maintained strong roots throughout his life. He began his career there at his family's accounting firm, Seidman and Seidman, and became a respected member of the local business community. But his greatest contribution to Grand Rapids was his role as a principal founder of Grand Valley State University in 1960. He was named the first honorary life member of Grand Valley's board, and the university's Seidman College of Business is named after his father.

In 1962, Bill ran unsuccessfully to be Michigan's State auditor general—his only attempt at elected office. He went on to become an economic adviser to Michigan Governor George Romney, and later joined President Gerald Ford's Administration as the Assistant to the President for Economic Affairs.

In the early 1980s, he returned to academia as dean of Arizona State University's College of Business.

These are just a few of the many things Americans may not know about Bill Seidman—and he accomplished all of this before becoming Chairman of the FDIC, establishing the RTC, and brilliantly guiding America out of the economic wilderness—the role which brought him fame.

But with all he had accomplished, Bill never stopped to rest. He went on to author two books, ''Productivity—The American Advantage,'' with Steven Shancke, and ''Full Faith and Credit,'' a memoir of his time at the FDIC and his role in establishing and running the RTC. President Gerald Ford hailed ''Full Faith and Credit'' as ''a fascinating story by a straight talker. The author dramatically tells how the Federal agencies sought to confront the challenge of the banking and S&L crisis.''

In recent years, already well into his eighties, Bill stayed as active as ever, working as CNBC's chief commentator, regularly contributing opinion pieces to major newspapers, serving on numerous boards, and advising top officials—and me—on the current economic crisis.

In his most recent piece, published by the Wall Street Journal on May 8, he addressed the staffing and management challenges now confronting the FDIC. In it, he drew parallels between the hurdles that current Chairman Sheila Bair faces and the obstacles he faced in getting the FDIC and the new RTC properly ''staffed up'' to deal with the S&L crisis nearly two decades ago.

Bill wrote ''The Resolution Trust Corporation had to handle the assets from failed institutions when I ran it in the aftermath of the savings and loan crisis of 1985–1992. The RTC experience provides a useful guide for what the FDIC has to do now.'' Amen.

With the country again facing the same fear and uncertainty that Bill saw during his tenure at the FDIC, he provided what few others could: a brilliant and straightforward voice with years of experience, wisdom, and unquestionable integrity. The loss of his voice simply cannot be replaced.

But perhaps what was most remarkable about Bill is that for all of his brilliance, myriad accomplishments and worldwide recognition, there was a deep humility and kindness about Bill that was evident the moment you met him. Although he had the ears of presidents and the respect of the elite, he famously rode his bike to work. When asked about his accomplishments at the FDIC in a 1991 interview, he dismissed them as ''primarily luck.'' But everyone knew better.

The passing of Bill Seidman is a loss for all of America. He dedicated his life

to his country and his family, and we are eternally grateful. I will especially miss Bill as he and I met in my office just 2 months ago to talk about the RTC and how we could apply those lessons to our current financial and economic crisis. I appreciated his wisdom, guidance, generosity, and the kindness and respect he paid to me.

It is my deepest hope that we can all learn from Bill, in not just his expertise on addressing the current financial crisis, but also in the way he treated others with kindness, humility, honesty, and passion.

Our hearts and prayers go out to his wife Sally, his six children, his many grandchildren and great grandchildren, and to all of his family. I will truly miss him.

It has been my honor today to offer this commemoration on the incredible life of Bill Seidman, and to salute this great American.●

REMEMBERING BRIAN O'NEILL

● Mrs. BOXER.: Mr. President, it is with a very heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary National Park Service, NPS, leader, Brian O'Neill. Brian was a legendary conservationist and community builder whose legacy will serve as a source of inspiration for decades to come. Brian passed away on May 13, 2009. He was 67 years old.

Brian was born in Washington, DC, in 1942, where he lived for the first 27 years of his life. During his early years, Brian's family often took camping and road trips to many of our National Parks. It was on these trips that Brian first began to bond with the Great West that would eventually become his home. The deep love and respect for nature that Brian fostered in his youth continued to motivate his professional life and nurture his personal life for the remainder of his years.

Brian never kept his love of the out-of-doors to himself. From the beginning, he recognized the importance of sharing his enthusiasm for all things wild with his family, friends, and especially with young people. As a freshman at the University of Maryland, Brian and his twin brother Alan worked with their mother Mimi to establish a nonprofit organization that provided urban children with opportunities to visit national parks.

Brian began his career in Government service in 1965, when he was hired by what was then the Bureau of Outdoor Recreation, BOR. As Deputy Director of BOR's Office of Urban Park Studies, Brian was a crucial part of the team that persuaded President Nixon to support legislation establishing two major urban parks: Golden Gate in San Francisco and Gateway in New York City. Brian was also instrumental in the inclusion of 2,000 miles of rivers on California's north coast in the national scenic rivers system during the final days of President Carter's administration.

For the past 25 years, Brian O'Neill served as the superintendent of the Golden Gate National Recreation Area, GGNRA. Comprised of over 76,000 acres in Marin, San Mateo, and San Francisco counties, GGNRA is one of the largest urban parks in the country. GGNRA hosts over 16 million visitors annually and is home to 1, 250 historic buildings, or 7 percent of all designated historic structures in the country. With ever-growing expertise, Brian led GGNRA's 347 NPS employees and 8,000 volunteers.

Brian had a special skill for connecting people with parks. He understood that in order to garner lasting support for parks, community members must be personally invested and involved every step of the way. Brian's can-do attitude enabled him to create fruitful partnerships with business leaders, philanthropists, and community leaders. He consistently proved skeptics wrong, as he raised more and more money to create additional parklands. NPS recognized Brian's natural aptitude for building partnerships—when NPS created a new assistant director position focused on creating relationships with outside entities, Brian was asked to serve in this role for the first year of its existence.

I had the great pleasure of knowing Brian for many years, and will always remember his bright smile and cheerful optimism. Brian's warmth drew people to him—he was always surrounded by a rich circle of friends and colleagues of all ages. Though he will be deeply missed, Brian has left us with the priceless and timeless gifts of the parks he helped to build. Thanks in great part to Brian, GGNRA provides its visitors with endless opportunities for exploration, education, and getting in touch with life's deepest purpose and most rewarding opportunities.

Brian has no doubt left an indelible mark on our hearts, minds, and the bay area's natural treasures. He was an inspiring and wonderful man. For those of us who were fortunate to know him, we take comfort in knowing that hundreds of thousands of park visitors will continue to benefit from Brian's vision and determination for generations to come.

Brian is survived by his mother Mimi, twin brother Alan, wife Marti, daughter Kim, son Brent, daughter-in law Anne, and three grandchildren—Justin, Kieran and Sean.●

JESUSITA WILDFIRE FIREFIGHTERS

● Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the brave men and women firefighters who worked tirelessly to protect the residents of Santa Barbara County from the recent Jesusita wildfire.

The Jesusita wildfire has burned nearly 10,000 acres, destroyed and damaged dozens of homes, and at one point forced the evacuation of more than 30,000 local residents.

Firefighters are often called upon to protect our communities while putting themselves in grave danger. This is certainly the case when reflecting on the efforts of Firefighter Robert Lopez, Captain Ron Topolinski, and Captain Brian Bulger from the Ventura County Fire Department. Firefighter Lopez and Captain Topolinski were assigned to structure protection when their position was overrun by a fast-moving wall of fire. Firefighter Lopez and Captain Topolinski utilized their combined 40-years of firefighting experience to survive the initial fire blast and call for help. Captain Brian Bulger responded to the emergency call and risked his own life to ensure the safety of his fellow firefighters. Although all three firefighters suffered injuries due to fire and toxic smoke exposure, all three survived and are now on their way toward recovery. An additional 27 firefighters were injured during this event.

I want to give special thanks to the more than 4,000 Federal, State, local, fire protection district, and volunteer firefighters who have put their lives on the line to fight this fire. Their courage and swift action during this recent wildfire has been truly heroic. They have risked their health and well-being for the benefit of our communities, and we are grateful.

I invite all of my colleagues to join me in commending all men and women firefighters who risk their lives to protect our own.●

TRIBUTE TO JANE HAGEDORN

● Mrs. BOXER. Mr. President, I am pleased to recognize the career and contributions of Breathe California of Sacramento-Emigrant Trails, Inc., chief executive officer, Jane Hagedorn, for her 36 years of service to promoting clean air and preventing lung and air pollution-related diseases.

Jane Hagedorn began her affiliation with The American Lung Association of Sacramento-Emigrant Trails—later becoming Breathe California of Sacramento-Emigrant Trails—as a volunteer in 1973. During her 3 years as a volunteer, she served as president of the board and then became executive director in 1976.

Under Jane Hagedorn's leadership, Breathe California of Sacramento-Emigrant Trails, Inc. lead the fight to substantially reduce smoking and developed ''Thumbs Up! Thumbs Down!'' a nationally recognized tobacco research program developed to reduce the negative influence of tobacco use in film. Ms. Hagedorn also led Breathe California's collaboration with the Sacramento Metropolitan Chamber of Commerce to create the Cleaner Air Partnership, which brings elected officials, business leaders and nonprofit organizations together to collaborate on clean air initiatives for the Capital Region. She was also a leader in bringing light rail transit service to Sacramento to provide an environmentally friendly

public transportation alternative to the region.

Ms. Hagedorn's dedication to her community and California has also been demonstrated by her participation on the boards of many government and nonprofit organizations in the region such as, the Tahoe Regional Planning Agency, the Arden Park and Recreation District, Friends of Light Rail, and the Planning and Conservation League.

As her family, friends and the community gather to celebrate her retirement, I congratulate and thank Jane Hagedorn for her work to maintain clean air for our future generations.●

REMEMBERING HARRY KALAS AND CONSTANTINE PAPADAKIS

● Mr. CASEY. Mr. President, the city of Philadelphia lost two of its favorite sons recently. We are all saddened by the passing of longtime Philadelphia Phillies broadcaster Harry Kalas and the loss of Drexel University president Constantine Papadakis. It has been a sad time in Philadelphia with the loss of these two great pillars of the community, and I wish today to honor their memory.

Harry Kalas was the voice of the Philadelphia Phillies for four decades. His signature calls of ''Outta Here'' following a Phillies' home run and ''Struck hiimm out'' following a strikeout became fixtures on Phillies' broadcasts. Born in Chicago, Harry grew up the son of a minster in Naperville, IL. He began his broadcasting career in Hawaii and eventually moved to Houston, where he broadcasted Astros games from 1965 to 1970. The Phillies were the Astros' opponent in his first game as a Major League broadcaster.

Harry signed up as the Phillies play-by-play announcer in 1971. He quickly became a popular figure in Philadelphia. Together with Richie Ashburn, the Phillies' Hall of Fame outfielder, whom Harry worked with from 1971 until Asburn's passing in 1997, the pair formed a memorable team built upon what the Philadelphia Inquirer recently described as ''a special rapport in the broadcast booth that won over the fans' hearts.''

Fans, players, and sports writers have recounted over the past week just how deeply Harry was loved. One of the most poignant examples of just how beloved Harry was came after the 1980 World Series between the Phillies and the Kansas City Royals. Not a lot of people know that Harry was not permitted to call the Phillies' World Series victory over the Royals due to a Major League Baseball rule in place at the time that prevented local broadcasts of World Series games. The outcry from fans of baseball everywhere, particularly in Philadelphia, was so vociferous that Major League Baseball changed its rules. As a result, fans were treated to Harry's call of the Phillies' appearances in the 1983 and 1993 World Series games and the Phillies' victory in the 2008 World Series. Harry's now famous call of the final out of the 2008 series will forever ring in the minds of fans and players alike.

The Phillies have taken appropriate steps to honor Harry's memory for the rest of the season. Most notably, Harry's signature ''Outta Here'' will be played over the PA system each time a Phillies' player hits a home run. Thousands of fans paid their respects to Harry during a moving ceremony at Citizens Bank Park last Saturday. The tributes across Major League Baseball are fitting for a man of Harry's stature.

Harry was not only a great broadcaster, he was a great man. I personally will always remember Harry's faithful attendance and participation in the annual Veterans Day parade and ceremony in Media, PA. He loved the city of Philadelphia, and it loved him back.

No matter the score, Harry's passion for the game and unique voice kept the fans captivated for all nine innings. He made the tough seasons easier and the good years even better. To say he will be missed is an understatement. His is the voice that Phillies fans will forever associate with baseball. My deepest condolences go out to Harry's family and the Philadelphia Phillies.

I also wish to honor the life of Constantine Papadakis—known as ''Taki''—the longtime president of Drexel University in Philadelphia, PA, who passed away recently after a long and brave battle with lung cancer.

Taki was a creative and dynamic leader at Drexel University for 14 years. He was described by one of his colleagues as identifying himself completely with the university—''there was no Taki that wasn't connected to Drexel.'' His devotion to Drexel meant that for him, it was not enough to simply preside over the institution. Instead, he threw himself into building, expanding, and extending Drexel's reach, both its academic prowess and its role in the community of Philadelphia. Enrollment grew by more than 130 percent. Freshman applications increased by nearly 700 percent. Research funding went from $15 million to more than $100 million in each of the last three years. The size of the faculty doubled and the university is now the seventh largest private employer in the city of Philadelphia. During Taki's tenure, Drexel added both a law school and a medical school. Most recently, he spearheaded the effort to acquire a campus in Sacramento, CA.

Through the sheer force of his personality and his vision, Taki also brought renewed hope and optimism to Philadelphia's leaders and citizens. He established a leading role for Drexel in regional economic development, reaching out to business, academic, and community leaders to show what could be done by investing in growth. He knew that a university is not an isolated institution but a member of a larger community with the potential to transform a city and a region. He constantly pushed forward, never content, as one colleague said, to rest on the laurels of Drexel's gains, ''however meteoric.'' Government officials, business and community leaders, and ordinary citizens should be inspired by Taki's relentless drive toward improving our communities by strengthening our civic institutions and engaging in public life.

Taki's last year was emblematic of how he lived the rest of his life. His energy and charisma never waned, as he conducted business from his hospital bed, his office, and in board meetings. He had so much to work to finish, which is remarkable for an individual who had already achieved so much. He has been described as ''larger than life and taken from us too young,'' which is undoubtedly true. I extend my deepest condolences to his wife of 39 years, Eliana, and his daughter Maria and hope they will take some comfort in the fact that Taki not only built a well-respected academic institution but also made a city believe in what could be accomplished through hard work, devotion, and passion.●

TRIBUTE TO CHUCK MACK

● Mrs. FEINSTEIN. Mr. President, today I commend Chuck Mack for his contributions to the labor movement in California and his remarkable 47 years as a Teamster.

Chuck began his career as a Teamster in 1962 and has spent every year since working on behalf of his fellow union members, organizing and ensuring fair treatment and benefits for all.

First elected to a representative position in 1966, he worked as a business agent until 1971 when he briefly moved to Sacramento to lobby the legislature as part of the Teamsters Public Affairs Council.

Returning to the East Bay in 1971, Chuck successfully ran for the position of secretary-treasurer of Local 70, a position he has maintained ever since, which represents 5,000 members in Alameda County.

He was elected to the joint council in 1972, and became president of the council, which represents 55,000 members in San Francisco, in 1982. In 1996, Chuck was elected western region vice president. And, in 2003, he was appointed director of the Teamsters Port Division.

Chuck's responsibilities and leadership roles have steadily increased over the last four decades.

I know him to be a passionate, thoughtful, and committed advocate for all workers.

Whether through his efforts to protect the environment in port communities or preserve wages and benefits for truck drivers, Chuck Mack has always put the needs of his fellow Teamsters first.

Chuck will be stepping down from his Teamsters positions at Local 70, Joint Council 7, and the International Union at the end of this month.

Chuck is now moving on to another significant challenge as he becomes co-chair of the Western Conference of Teamsters Pension Trust.

I wish him the very best in this new endeavor and offer my heartfelt and sincere congratulations for a job well done representing Teamsters in the bay area and across northern California for the last four decades.●

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.)

REPORT RELATIVE TO A PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED ARAB EMIRATES CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement provides a comprehensive framework for peaceful nuclear cooperation with the United Arab Emirates (UAE) based on a mutual commitment to nuclear nonproliferation. The United States and the UAE are entering into it in the context of a stated intention by the UAE to rely on existing international markets for nuclear fuel services as an alternative to the pursuit of enrichment and reprocessing. Article 7 will transform this UAE policy into a legally binding obligation from the UAE to the United States upon entry into force of the Agreement. Article 13 provides, inter alia, that if the UAE at any time following entry into force of the Agreement materially violates Article 7, the United States will have a right to cease further cooperation under the Agreement, require the return of items subject to the Agreement, and terminate the Agreement by giving 90 days written notice. In view of these and other nonproliferation features, the Agreement has the potential to serve as a model for other countries in the region that wish to pursue responsible nuclear energy development.

The Agreement has a term of 30 years and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

In addition to the UAE's obligation to forgo enrichment and reprocessing—the first instance of such an obligation on the part of a U.S. cooperating partner in an agreement of this type—the Agreement contains certain additional nonproliferation features not typically found in such agreements. These are modeled on similar provisions in the 1981 United States-Egypt Agreement for Peaceful Nuclear Cooperation and include (a) a right of the United States to require the removal of special fissionable material subject to the Agreement from the UAE either to the United States or to a third country if exceptional circumstances of concern from a nonproliferation standpoint so require, and (b) confirmation by the United States that the fields of cooperation, terms, and conditions accorded by the United States to the UAE shall be no less favorable in scope and effect than those that the United States may accord to any other non-nuclear-weapon State in the Middle East in a peaceful nuclear cooperation agreement. The Agreement also provides, for the first time in a U.S. agreement for peaceful nuclear cooperation, that prior to U.S. licensing of exports of nuclear material, equipment, components, or technology pursuant to the Agreement, the UAE shall bring into force the Additional Protocol to its safeguards agreement.

The UAE is a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The United States is a nuclear-weapon State party to the NPT. Article 12 of the proposed Agreement provides that the Agreement shall not be interpreted as affecting the inalienable rights of the United States and the UAE under the NPT. A more detailed discussion of the UAE's intended civil nuclear program and its nonproliferation policies and practices is provided in the NPAS and in a classified Annex to the NPAS to be submitted to the Congress separately.

The Agreed Minute to the Agreement provides U.S. prior approval for retransfers by the UAE of irradiated nuclear material subject to the Agreement to France and the United Kingdom, if consistent with their respective policies, laws, and regulations, for storage or reprocessing subject to specified conditions, including that prior agreement between the United States and the UAE is required for the transfer of any special fissionable material recovered from any such reprocessing to the UAE. The transferred material would also have to be held within the European Atomic Energy Community subject to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM).

In view of the fact that this consent would constitute a subsequent arrangement under the Act if agreed separately from the proposed Agreement, the Secretary of State and the Secretary of Energy have ensured that the advance approval provisions meet the applicable requirements of section 131 of the Act. Specifically, they have concluded that the U.S. advance approval for retransfer of nuclear material for reprocessing or storage contained in the Agreed Minute to the proposed Agreement is not inimical to the common defense and security. An analysis of the advance approval given in the Agreed Minute is contained in the NPAS.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section

123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

BARACK OBAMA.
THE WHITE HOUSE, *May 21, 2009*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Under the authority of the order of today, May 21, 2009, the enrolled bills were subsequently signed by the Majority Leader (Mr. REID).

At 1:21 p.m., a message from the House of Representatives, delivered by Mr. Zapata, 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. 2352. An act to amend the Small Business Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 2:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

ENROLLED BILL SIGNED

At 5:19 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

Under the authority of the order of today, May 21, 2009, the enrolled bill was subsequently signed by the Majority Leader (Mr. REID).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2352. An act to amend the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 103. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 21, 2009, she had presented to the President of the United States the following enrolled bill:

S. 454. An act to improve the organization of procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1707. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mushroom Promotion, Research, and Consumer Information Order; Correction to Referendum Procedures'' ((Docket No. AMS-FV-09-0019)(FV-09-703)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1708. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Honey Research, Promotion, and Consumer Information Order; Termination'' ((Docket No. AMS-FV-09-0006)(FV-09-701)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1709. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Change in Regulatory Period'' ((Docket No. AMS-FV-09-0012)(FV-09-959-1 IFR)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1710. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Order Amending Marketing Order No. 984; Correction'' ((Docket No. AMS-FV-07-0004)(FV-06-984-1 C)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1711. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year'' ((Docket No. AMS-FV-08-0104)(FV-09-985-1 FR)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1712. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2008 relative to the Equal Credit Opportunity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1713. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–1714. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to License Requirements and License Exception Eligibility for Certain Thermal Imaging Cameras and Foreign Made Military Commodities Incorporating Such Cameras'' (RIN0694-AD71) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1715. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Darfur Sanctions Regulations'' (31 CFR Parts 546) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1716. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Democratic Republic of the Congo Sanctions Regulations'' (31 CFR Parts 547) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1717. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Biennial Report On the 2008 Regulatory Status of National Transportation Safety Board Open Safety Recommendations Concerning 15-Passenger Van Safety, Railroad Grade Crossing Safety, and Medical Certifications for a Commercial Driver's License; to the Committee on Commerce, Science, and Transportation.

EC–1718. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Replacement Digital Television Translator Service'' (MB Docket No. 08-253) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1719. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Health Saving Accounts Inflation Adjustments for 2010'' (Rev. Proc. 2009-29) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC–1720. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Self-determination of Deficiency Dividend under 860(e)(4)'' (Rev. Proc. 2009-28) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC–1721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''Formless Conversion of Partnership to S Corporation'' (Rev. Rul. 2009-15) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC–1722. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive #2 on Enhanced Oil Recovery Credit'' (LMSB-4-0409-014) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC–1723. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Security Clause'' (RIN1991-AB71) received on May 19, 2009; to the Committee on Energy and Natural Resources.

EC–1724. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed sale or export of defense articles and/or defense services to a Middle East country; to the Committee on Foreign Relations.

EC–1725. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to providing information on U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–1726. A communication from the Chairman, Committee on Public Safety and the Judiciary, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Bill 18-10, ''Disclosure to the United States District Court Amendment Act of 2009'' received in the Office of the President of the Senate on May 20, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1727. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems: Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas'' (RIN3206-AL77) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1728. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Office of Justice Programs (OJP) Annual Report to Congress for Fiscal Year 2008; to the Committee on the Judiciary.

EC–1729. A communication from the Chief, Office of Congressional Relations, Citizenship and Immigration Services, Department of Homeland Security, transmitting, the U.S. Citizenship and Immigration Services Annual Report for Fiscal Year 2008; to the Committee on the Judiciary.

EC–1730. A communication from the Federal Register Liaison Officer, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reimbursement for Interment Costs'' (RIN2900-AM98) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Veterans' Affairs.

EC–1731. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract the information assurance functions currently being performed by eight (8) military personnel of the Fleet Area Control and Surveillance Facility, located in Virginia Beach, Virginia; to the Committee on Armed Services.

EC–1732. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acibenzolar-S-methyl; Pesticide Tolerances'' (FRL-8413-7) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1733. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cry1A.105 protein; Time Limited Exemption from the Requirement of a Tolerance'' (FRL-8417-3) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1734. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Longan From Taiwan'' (Docket No. APHIS-2007-0161) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1735. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; California; Determination of Attainment of the 1-Hour Ozone Standard for the Ventura County Area'' (FRL-8909-6) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Environment and Public Works.

EC–1736. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Volatile Organic Compounds: Correction'' (FRL-8909-5) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Environment and Public Works.

EC–1737. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Imported Directly Requirement Under the United States-Bahrain Free Trade Agreement'' (RIN1505-AC13) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Finance.

EC–1738. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Parent Locator Service; Safeguarding Child Support Information: Delay of Effective Date'' (RIN0970-AC01) received in the Office of the President of the Senate on May 20, 2009; to the Committee on Finance.

EC–1739. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Danger Pay Allowance for FBI personnel serving in Mexico; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–25. A petition from a citizen of California relative to amending the Constitution; to the Committee on the Judiciary.

POM–26. A joint memorial adopted by the Legislature of the State of Washington relative to passing H.R. 5698, the Restoring Partnership for County Health Care Costs Act of 2008; to the Committee on Finance.

HOUSE JOINT MEMORIAL NO. 4000

Whereas, our system of system of justice presumes that a person accused of committing a crime is innocent until proven guilty; and

Whereas, under current federal law, persons awaiting trial or other disposition of their cases in county jails or juvenile detention facilities are ineligible to receive medicare, medicaid, supplementary security income, or state children's health insurance program benefits, even though their culpability in a criminal case has not been proven; and

Whereas, counties must bear the financial burden of providing medical care to persons who are held in county jails; and

Whereas, Many persons in custody who are affected by mental illness suffer further and are at higher risk of reoffending after they are released because of a delay in the reinstatement of their federal benefits; Now, therefore, Your Memorialists respectfully pray that the United States Congress pass HR 5698, the Restoring Partnership for County Health Care Costs Act of 2008.

Be it Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade.

*Sandra Brooks Henriquez, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

*Peter M. Rogoff, of Virginia, to be Federal Transit Administrator.

*Michael S. Barr, of Michigan, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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 Mrs. HUTCHISON:

S. 1115. A bill to amend title 23, United States Code, to prohibit the imposition of new tolls on the Federal-aid system, and for

other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 1116. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SANDERS, Mrs. SHAHEEN, and Mr. GREGG):

S. 1117. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. KOHL, and Mr. BROWN):

S. 1118. A bill to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN:

S. 1119. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer notification of suspected identity theft; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1120. A bill to amend the Internal Revenue Code of 1986 to conform the definitions of qualifying expenses for purposes of education tax benefits; to the Committee on Finance.

By Mr. HARKIN:

S. 1121. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. JOHNSON, Mr. UDALL of Colorado, Mr. BENNET, Mr. RISCH, and Mr. BENNETT):

S. 1122. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Mrs. LINCOLN, and Mr. BOND):

S. 1123. A bill to provide for a five-year payment increase under the Medicare program for home health services furnished in a rural area; to the Committee on Finance.

By Mrs. MURRAY:

S. 1124. A bill to amend title 46, United States Code, to modify the vessels eligible for a fishery endorsement, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 1125. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on Rules and Administration.

By Mr. REID:

S. 1126. A bill to require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America and for other purposes; to the Select Committee on Intelligence.

By Mr. MARTINEZ:

S. 1127. A bill to require that, in the questionnaires used in the taking of any decennial census of population or American Community Survey, standard functional ability questions be included to provide a reliable indicator of need for long-term care; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1128. A bill to authorize the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in the testing of nuclear weapons or under other circumstances; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. BURR):

S. 1129. A bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. CONRAD, Mr. WYDEN, and Ms. COLLINS):

S. 1130. A bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. BURR, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1131. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals; to the Committee on Finance.

By Mr. LEAHY:

S. 1132. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GREGG):

S. 1133. A bill to amend title XVIII of the Social Security Act to provide for the establishment of shared decision making standards and requirements and to establish a pilot program for the implementation of shared decision making under the Medicare program; to the Committee on Finance.

By Mr. CASEY:

S. 1134. A bill to ensure the energy independence and economic viability of the United States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. BROWNBACK, Mr. DURBIN, Mr. VOINOVICH, Mr. LEVIN, Mr. BROWN, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 1135. A bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1136. A bill to establish a chronic care improvement demonstration program for Medicaid beneficiaries with severe mental illnesses; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. LINCOLN, Mr. SANDERS, and Mr. DODD):

S. 1137. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1138. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources .

By Mr. WYDEN:

S. 1139. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1140. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. BOND):

S. 1141. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself and Ms. MIKULSKI):

S. 1142. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to inclusion of effectiveness information in drug and device labeling and advertising; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 1143. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. TESTER, and Mr. CRAPO):

S. 1144. A bill to improve transit services, including in rural States; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1145. A bill to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 1146. A bill to direct the Attorney General to provide grants and access to information and resources for the implementation of the Sex Offender Registration Tips and Crime Victims Center Programs; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 1147. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mrs. MCCASKILL, Mr. BOND, and Mr. THUNE):

S. 1148. A bill to amend the Clean Air Act to modify a provision relating to the renewable fuel program; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1149. A bill to eliminate annual and lifetime aggregate limits imposed by health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. KOHL, Mr. WYDEN, and Mr. CARPER)):

S. 1150. A bill to improve end-of-life care; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Ms. SNOWE)):

S. 1151. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. BURRIS, and Mrs. GILLIBRAND)):

S. 1152. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Ms. CANTWELL, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, and Mr. AKAKA):

S. 1153. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. ENZI):

S. 1154. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. INOUYE):

S. 1155. A bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. BURR, Mr. SANDERS, Mr. MERKLEY, and Ms. COLLINS):

S. 1156. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. BARRASSO):

S. 1157. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. ISAKSON, and Mr. WHITEHOUSE):

S. 1158. A bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 1159. A bill to promote freedom, human rights, and the rule of law in Vietnam; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. INHOFE):

S. Res. 155. A resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately cease engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DODD, Mr. SCHUMER, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mr. HARKIN, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. LEAHY, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CASEY, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. INOUYE, Mr. SANDERS, Mr. KAUFMAN, Mr. BURRIS, Mr. LAUTENBERG, Mrs. MCCASKILL, Mrs. SHAHEEN, Mr. CARDIN, and Mr. AKAKA):

S. Res. 156. A resolution expressing the sense of the Senate that reform of our Nation's health care system should include the establishment of a federally-backed insurance pool; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mrs. LINCOLN, Mr. DURBIN, Mr. KOHL, Mr. BROWN, Ms. SNOWE, Mr. CASEY, Mr. KERRY, and Mr. MENENDEZ):

S. Res. 157. A resolution recognizing Bread for the World, on the 35th anniversary of its founding, for its faithful advocacy on behalf of poor and hungry people in our country and around the world; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. Res. 158. A resolution to commend the American Sail Training Association for advancing international goodwill and character building under sail; to the Committee on the Judiciary.

By Mr. BURRIS:

S. Res. 159. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LUGAR, Mr. BROWNBACK, Mr. BENNETT, Mr. BOND, and Mr. KERRY):

S. Res. 160. A resolution condemning the actions of the Burmese State Peace and Development council against Daw Aung San Suu Kyi and calling for the immediate and unconditional release of Daw Aung San Suu Kyi; considered and agreed to.

By Mr. JOHNSON:

S. Res. 161. A resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. CARDIN, Mr. UDALL of Colorado, and Mr. BURRIS):

S. Res. 162. A resolution recommending the Langston Golf Course, located in northeast Washington, DC and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history, and for other purposes; considered and agreed to.

By Mr. CASEY (for himself and Mr. CHAMBLISS):

S. Res. 163. A resolution expressing the sense of the Senate with respect to childhood stroke and designating an appropriate date as ''National Childhood Stroke Awareness Day''; considered and agreed to.

By Mrs. LINCOLN (for herself, Mr. SCHUMER, and Mr. CHAMBLISS):

S. Con. Res. 24. A concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 167

At the request of Mr. KOHL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 255

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 255, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S. 423

At the request of Mr. JOHANNS, his name 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 names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 451

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 527

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 527, a bill to amend the Clean Air act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 535, a bill to amend title

10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 653

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 660

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 772

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 843

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 843, a bill to establish background check procedures for gun shows.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 908

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 943

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 943, a bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 956

At the request of Mr. TESTER, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Tennessee (Mr. CORKER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 962

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1003

At the request of Mr. REED, the name of the Senator from Vermont (Mr.

SANDERS) was added as a cosponsor of S. 1003, a bill to increase immunization rates.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1050

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1057

At the request of Mr. TESTER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1057, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1108

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1108, a bill to require application of budget neutrality on a national basis in the calculation of the Medicare hospital wage index floor for each all-urban and rural State.

S. 1112

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. RES. 97

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 97, a resolution designating June 1, 2009, as ''Collector Car Appreciation Day'' and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

S. RES. 139

At the request of Ms. MIKULSKI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 139, a resolution commemorating the 20th anniversary of the end of communist rule in Poland.

S. RES. 151

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 151, a resolution designates a national day of remembrance on October 30, 2009, for nuclear weapons program workers.

AMENDMENT NO. 1155

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1155 intended to be proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. BROWN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1161 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1164

At the request of Mr. ISAKSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 1164 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. KAUFMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 1179 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1189

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN), the Senator from Nebraska (Mr. NELSON), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. JOHANNS), the Senator from New York (Mr. SCHUMER), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. NELSON), the Senator from Maine (Ms. SNOWE), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL), the Senator from North Dakota (Mr. DORGAN), the Senator from Virginia (Mr. WEBB), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mr. CORNYN), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 1189 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1191

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 1191 proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 1198

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1198 intended to be proposed to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SANDERS, Mrs. SHAHEEN, and Mr. GREGG):

S. 1117. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire

and Vermont; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I am pleased to introduce today the Upper Connecticut River Partnership Act. This legislation will help bring recognition to New England's largest river ecosystem and one of our Nation's 14 American Heritage Rivers.

The purpose of this legislation is to help the communities along the river protect and enhance their rich cultural history, economic vitality, and the environmental integrity of the river.

From its origin in the mountains of northern New Hampshire, the Connecticut River runs over 400 miles and eventually empties into Long Island Sound. The river forms a natural boundary between my home state of Vermont and New Hampshire, and travels through the States of Massachusetts and Connecticut. The river and surrounding valley have long shaped and influenced development in the New England region. This river is one of America's earliest developed rivers, with European settlements going back over 350 years. The industrial revolution blossomed in the Connecticut River Valley, supported by new technologies such as canals and mills run by hydropower.

I am pleased that the entire Senate delegations from Vermont and New Hampshire have cosponsored this bill. For years our States have worked together, to help communities on both sides of the river develop local partnerships to protect the Connecticut River valley of Vermont and New Hampshire. While great improvements have been made to the river, its overall health remains threatened by water and air pollution, habitat loss, hydroelectric dams, and invasive species.

Historically, the people throughout the Upper Connecticut River Valley have functioned cooperatively and the river serves to unite Vermont and New Hampshire communities economically, culturally, and environmentally.

Citizens on both sides of the river know just how special this region is and have worked side by side for years to protect it. Efforts have been underway for some time to restore the Atlantic salmon fishery, protect threatened and endangered species, and support urban riverfront revitalization.

In 1989, Vermont and New Hampshire came together to create the Connecticut River Joint Commissions—a unique partnership between the states, local businesses, all levels of Government within the 2 States and citizens from all walks of life. This partnership helps coordinate the efforts of towns, watershed managers and other local groups to implement the Connecticut River Corridor Management Plan. This Plan has become the blueprint for how communities along the river can work with one another with Vermont and New Hampshire and with the federal government to protect the river's resources.

The Upper Connecticut River Partnership Act would help carry out the recommendations of the Connecticut River Corridor Management Plan, which was developed under New Hampshire law with the active participation of Vermont citizens and communities.

This act would also provide the Secretary of the Interior with the much needed ability to assist the States of New Hampshire and Vermont with technical and financial aid for the Upper Connecticut River Valley through the Connecticut River Joint Commissions. The act would also assist local communities with cultural heritage outreach and education programs while enriching the recreational activities already active in the Connecticut River Watershed of Vermont and New Hampshire.

Lastly, the bill will require that the Secretary of the Interior establish a Connecticut River Grants and Technical Assistance Program to help local community groups develop new projects as well as build on existing ones to enhance the river basin.

In the future, I hope this bill will help bring renewed recognition and increased efforts to conserve the Connecticut River as one of our Nation's great natural and economic resources.

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 follwos:

S. 1117

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 ''Upper Connecticut River Partnership Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio O. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102–212);

(4) the demonstrated commitment to stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bi-State Connecticut River Scenic Byway, which was declared a National Scenic Byway by the Department of Transportation in 2005 to foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the ''Connecticut River Joint Commissions''—

(A) have worked together since 1989; and

(B) serve as the focal point and catalyst for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bi-State local river subcommittees appointed to represent riverfront towns, produced the 6 volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) in 2009, after 3 years of broad consultation, the Connecticut River Joint Commissions have substantially expanded and published updates via the Connecticut River Recreation Management Plan and the Water Resources Management Plan to guide public and private activities in the watershed;

(9) through a joint legislative resolution, the legislatures of the States of Vermont and New Hampshire have requested that Congress provide for continuation of cooperative partnerships and that Federal agencies support the Connecticut River Joint Commissions in carrying out the recommendations of the Connecticut River Corridor Management Plan;

(10) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and the United States Fish and Wildlife Service; and

(11) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) STATE.—The term ''State'' means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

SEC. 4. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Connecticut River Grants and Technical Assistance Program to provide grants and technical assistance to State and local governments, nonprofit organizations, and the private sector to carry out projects for the conservation, restoration, and interpretation of historic, cultural, recreational, and natural resources in the upper Connecticut River watershed.

(b) CRITERIA.—The Secretary, in consultation with the Connecticut River Joint Commissions, shall develop criteria for determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a grant project under subsection (a) shall not exceed 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project may be provided in the form of an in-kind contribution of services or materials.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $1,000,000 for each fiscal year.

By Mr. HARKIN:

S. 1121. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce the School Building Fairness Act of 2009. I offer this legislation to meet the urgent need for Federal support to repair crumbling schools in disadvantaged and rural school districts.

This bill would authorize up to $6 billion annually to fund a new program of Federal grants to States for the repair, renovation, and construction of public schools. States would award the grants competitively, with priority given to high-poverty and rural school districts, as well as school districts that plan to make their facilities more energy efficient and environmentally friendly. Districts receiving this federal funding would then be required to provide a local match.

I know this approach to school construction and repair can work because this bill is modeled on the success of the Iowa Demonstration and Construction Grant Program in my home State. Over the last decade, I have secured $121 million in Federal funds that more than 300 school districts across Iowa have used for school construction and repair. This modest Federal investment has leveraged more than $600 million in additional local funding.

In addition to improving the learning environment for students, the School Building Fairness Act will provide a stimulus to the economy by creating jobs in thousands of communities all across the country for workers in the construction industry, as well as architects and engineers.

It will also spur school districts to make their facilities more environmentally friendly and energy-efficient. According to the 2006 report ''Greening America's Schools: Costs and Benefits,'' green schools use an average of 33 percent less energy than conventionally built schools, and generate financial savings of about $70 per square foot.

Safe, modern, healthy school buildings are essential to creating an environment where students can reach their academic potential. Yet too many students in the U.S., particularly those most at risk of being left behind, attend school in facilities that are old, overcrowded and run-down.

We all agree that school infrastructure requires constant maintenance. Unfortunately, far too many schools have been forced to neglect ongoing issues, most likely due to lack of funds, which can lead to health and safety problems for students, educators and staff. The most recent Infrastructure Report Card issued by the American Society of Civil Engineers gives public schools a D grade. Now, I do not know many parents who would find D grades acceptable for their children. So why on Earth would we stand by while the state of the buildings in which our children learn are assigned such a grade?

Despite the declining condition of many public schools, federal grant funding is generally not available to leverage local spending. In fiscal year 2001, in the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee, which I then chaired, I was able to secure $1.2 billion for school repair and renovation. I continue to hear nothing but positive feedback from educators across the country about that funding.

But that one-time investment amounted to nothing more than a drop in the bucket compared to the estimated national need. At the beginning of this decade, the National Center for Education Statistics estimated that the nation's K–12 public schools needed $127 billion in repairs and upgrades. A 2008 analysis by the American Federation of Teachers found that the Nation's school infrastructure needs total an estimated $254.6 billion.

This bill is called the School Building Fairness Act because, as I said, States will give preference in awarding grants to high-poverty and rural districts. Currently, spending on school facilities is almost twice as high in affluent districts as in disadvantaged districts. This is one of those ''savage inequalities'' that Jonathan Kozol writes about—inequalities that largely explain the learning gap between affluent and poor children.

Something is seriously wrong when children go to modern, gleaming shopping malls and sports arenas, but attend public schools with crumbling walls and leaking roofs. This sends exactly the wrong message to children about our priorities as adults.

With the School Building Fairness Act, we have a chance to get our priorities right, and to provide a desperately needed boost to school districts all across America.

I hope that my colleagues will join me to help create safe, modern, and healthy school environments so all of our children can grow to be the leaders of tomorrow.

By Mr. BARRASSO (for himself, Mr. JOHNSON, Mr. UDALL of Colorado, Mr. BENNET, Mr. RISCH, and Mr. BENNETT):

S. 1122. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BARRASSO. Mr. President, I am proud to introduce the Good Neighbor Forestry Act today along with my Senators JOHNSON, UDALL of Colorado, BENNET of Colorado, RISCH, and BENNETT of Utah. This legislation authorizes cooperative action between western states and the U.S. Forest Service or Bureau of Land Management to complete forest and rangeland health projects on private, State and Federal lands.

Almost half of the land in Wyoming is managed by Federal agencies. Our State has a long history of forestry, grazing and multiple use of public lands. Recreation and tourism on our public lands is a pillar of our economy. The people of Wyoming are proud stewards of our public lands and our state depends on the public lands for our future.

It is my goal to enact common-sense policies to address the management needs of our Federal lands. Wyoming forests, like those of all states across the West, are facing management challenges. We have an opportunity to meet those challenges with policies that encourage forest and rangeland health. Preventing forest fires, removing invasive species, addressing watershed health and conserving wildlife habitat require ''big picture'' thinking. We have to address these threats at the landscape level.

Resource challenges do not stop at fencelines, and neither should our policy.

The Good Neighbor Forestry Act would set in place a cooperative management policy. This act would allow the State of Wyoming to go forward with forest and rangeland health projects as agreed to by the U.S. Forest Service or Bureau of Land Management. With this authority, the agencies can cooperatively pursue projects that address landscape-level needs. This authority would provide on-the-ground management that our private, State, and Federal lands desperately need.

I am pleased to introduce this legislation today. It is of great importance to the people of Wyoming, and public land communities across the West. I hope the U.S. Senate will proceed quickly with its passage to enhance western states' response to growing management challenges.

The people of Wyoming demand on-the-ground results. This legislation can deliver those results. I hope we can pass it expediently.

Mr. President, I ask unanimous cnsent 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. 1122

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Good Neighbor Forestry Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

SEC. 3. COOPERATIVE AGREEMENTS AND CONTRACTS.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in subsection (b) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State.

(b) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in subsection (a) include the conduct of—

(1) activities to treat insect infected trees;

(2) activities to reduce hazardous fuels; and

(3) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(c) STATE AS AGENT.—Except as provided in subsection (f), a cooperative agreement or contract entered into under subsection (a) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under subsection (a).

(d) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under subsection (a).

(e) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under subsection (a).

(f) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this Act by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(g) APPLICABLE LAW.—The restoration and protection services to be provided under this Act shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SEC. 4. TERMINATION OF EFFECTIVENESS.

(a) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this Act terminates on September 30, 2018.

(b) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this Act shall not extend beyond September 30, 2019.

By Ms. COLLINS (for herself, Mrs. LINCOLN, and Mr. BOND):

S. 1123. A bill to provide for a five-year payment increase under the Medicare program for home health services furnished in a rural area; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today with my colleagues from Arkansas and Missouri to introduce the Medicare Rural Home Health Payment Fairness Act to reinstate the 5 percent add-on payment for home health services in rural areas that expired on January 1, 2007.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled—and often technically complex—services that our Nation's home health caregivers provide have enabled millions of our most frail and vulnerable older and disabled citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. I have accompanied several of Maine's caring home health nurses on their visits to some of their patients. I have seen first hand the difference that they are making for Maine's elderly.

Surveys have shown that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time required to cover long distances between patients, higher transportation expenses, and other factors. Because of the longer travel times, rural caregivers are unable to make as many visits in a day as their urban counterparts. The executive director of the Visiting Nurses of Aroostook in Northern Maine, where I am from, tells me her agency covers 6,600 square miles with a total population of only 73,000. This agency's costs are understandably much higher than other agencies due to the long distances the staff must drive to see clients. Moreover, the staff is not able to see as many patients due to time on the road.

Agencies in rural areas are also frequently smaller than their urban counterparts, which means that their relative costs are higher. Smaller agencies with fewer patients and fewer visits mean that fixed costs, particularly those associated with meeting regulatory requirements, are spread over a much smaller number of patients and visits, increasing overall per-patient and per-visit costs.

Moreover, in many rural areas, home health agencies are the primary caregivers for homebound beneficiaries with limited access to transportation. These rural patients often require more time and care than their urban counterparts, and are understandably more expensive for agencies to serve. If the extra rural payment is not extended, agencies may be forced to make decisions not to accept rural patients with greater care needs. That could translate into less access to health care for ill, homebound seniors. The result would likely be that these seniors would be hospitalized more frequently and would have to seek care in nursing homes, adding considerable cost to the system.

Failure to extend the rural add-on payment will only put more pressure on rural home health agencies that are already operating on very narrow margins and could force some of the agencies to close their doors altogether. Many home health agencies operating in rural areas are the only home health providers in large geographic areas. If any of these agencies were forced to close, the Medicare patients in that region could lose all of their access to home care.

The legislation we are introducing today will extend the rural add-on for 5 years and help to ensure that Medicare patients in rural areas continue to have access to the home health services they need. I urge all of our colleagues to join us as cosponsors.

By Mr. DURBIN:

S. 1125. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on Rules and Administration.

Mr. DURBIN. 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. 1125

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 ''Student Voter Opportunity To Encourage Registration Act of 2009'' or the ''Student VOTER Act of 2009''.

SEC. 2. TREATMENT OF UNIVERSITIES AS VOTER REGISTRATION AGENCIES.

(a) IN GENERAL.—Section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) each institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) in the State that receives Federal funds.''; and

(2) in paragraph (6)(A), by inserting ''or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study'' after ''assistance,''.

(b) AMENDMENT TO HIGHER EDUCATION ACT OF 1965.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by striking paragraph (23).

By Mr. REID:

S. 1126. A bill to require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America and for other purposes; to the Select Committee on Intelligence.

Mr. REID. Mr. President, it has been said that ''The nation which forgets its defenders will itself be forgotten.'' I believe it. This is why I rise today to again introduce legislation to help correct an injustice for those who have served our country in times of crisis.

Many people have never heard of Air America. This top-secret passenger and cargo airline was a Government corporation owned and operated by the

Central Intelligence Agency during the Cold War.

Forty-eight years ago, the first Air America pilots were killed in covert military action in Laos. On May 30th, 1961, Charles Mateer and Walter Wizbowski crashed their helicopter in rugged terrain and unpredictable weather while trying to land in order to resupply besieged Hmong during the Cold War.

Air America employed several hundred U.S. citizens like Mr. Mateer and Wizbowski to conduct covert missions throughout the Cold War. During the Vietnam War, they carried nearly 12,000 government-sponsored passengers each month including troops and refugees. During the final days of the Vietnam war, Air America helicopters evacuated some 41,000 Americans, diplomats and friendly Vietnamese. Throughout the Cold War, numerous Air Force and Navy pilots were saved by heroic Air America helicopter rescue missions after being shot down behind enemy lines.

Air America personnel paid a costly burden to run these dangerous missions. Sadly, at least 86 American pilots were killed in action while operating aircraft for our Government. In all, Air America had 240 pilots and crewmembers killed in action.

In order to be able to conduct these high-risk missions, Air America operations were conducted by the CIA with strict secrecy. The Government ownership of the company was never acknowledged at the time and was not known to the public. Only a small number of officials were aware that, as employees of the CIA, Air America personnel were entitled to standard benefits provided to Federal employees.

Despite their heroic service to our nation, Air America employees are now being neglected by our Government.

Frustrated by Federal intransience and bureaucracy, former Air America employees from Nevada came to me and requested congressional assistance to help them obtain Federal civil service retirement benefits.

Today, the legislation I am introducing helps move us closer to correcting this injustice.

Mr. President, the ''Air America Veteran's Act'' recognizes these employees by requiring the Director of National Intelligence to submit a report to Congress about the number of Air America beneficiaries and the benefits owed to them. This report is critical because it will provide the justification Congress needs to ensure that these veterans are treated equitably and fairly by their Government.

I encourage all of my colleagues to join me in cosponsoring this important legislation to correct this injustice. These great Americans have earned these benefits and the gratitude of a thankful Nation. Now is our chance to honor their service and begin recognizing their sacrifices.

Mr. Presdient, I ask unanimous consent that the text of the bill be printed in RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1126

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 ''Air America Veterans Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

SEC. 3. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4)(A) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(B) If legislative action is considered advisable under subparagraph (A), a proposal for such action and an assessment of its costs.

(5) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

By Mr. DURBIN (for himself and Mr. BURR):

S. 1129. A bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, an educated workforce is crucial to the success of the American economy. A recent report from the consulting firm McKinsey, ''The Economic Impact of the Achievement Gap in America's Schools,'' concludes that if America had raised the educational attainment of our students to those of high-performing nations like Finland and South Korea between 1983 and 1998, U.S. G.D.P. in 2008 would have been between $1.3 trillion and $2.3 trillion higher than it is today. If the gap between low-income American students and American students of higher means had been narrowed, G.D.P. in 2008 would have been $400 billion to $670 billion higher.

If we want to be economically competitive and avoid future recessions, we need to close the achievement gap in education for all Americans. In his first speech to Congress, President Obama set a goal of having the highest college graduation rate in the world by 2020. Too many students are not receiving a college education, and we will have to do far better to reach the President's goal.

Of students who were in eighth grade in 2000, only 20 percent of the lowest-income students will earn a college degree by 2012, compared to 68 percent of the highest income group. Every student who wants to go to college should have that opportunity, and we should provide them with the tools they need.

Today, I am introducing the Pathways to College Act with Senator BURR, which creates grants for school districts to help them increase the number of low-income students who are entering and succeeding in college.

Lack of guidance and information about college has a real effect on students in poor schools. The Consortium

on Chicago School Research released a report last year, ''Potholes on the Road to College,'' that looks at the difficulties Chicago Public School students face during the college application process. The Consortium discovered that only 41 percent of Chicago Public School students who wanted to go to college took the steps necessary to apply to and enroll in a 4-year college. Only one-third of students enrolled in a college that matched their qualifications. Of the students who had the grades and test scores to attend a selective college, 29 percent went to a community college or skipped college entirely.

The Pathways to College Act would create a grant program for school districts serving low-income students to increase their college-enrollment rates. The Consortium's ''Potholes'' report found that the most important factor in whether students enroll in a four-year college is if they attended a school where teachers create a strong college-going culture and help students with the process of applying. The Pathways to College Act would provide the funding to help school districts improve the college-going culture in schools and guide students through the college admissions process.

The Pathways to College Act provides flexibility to school districts to achieve higher college enrollment rates, but requires that each school accurately track their results so we can learn from what works. Chicago Public Schools is doing a great job—both in tackling the problem and in documenting progress. Under the leadership of Arne Duncan, Chicago Public Schools responded aggressively to the ''Potholes'' report.

A team of postsecondary coaches were deployed in high schools to work with students and counselors. To ensure that financial aid is not a roadblock, FAFSA completion rates are tracked so that counselors can follow-up with students. A spring-break college tour took 500 students to see colleges across the country. Because Chicago Public Schools tracks its college enrollment rates, we know that their efforts are working.

Half of the 2007 graduating class enrolled in college, an increase of 6.5 percent in 4 years. The national increase was less than 1 percent in the same time-frame. Nationally, the number of African-American graduates going to college has decreased by 6 percent over the last 4 years while the Chicago rate has increased by almost 8 percent.

Applying to college is not easy. Low-income students often need the most help to achieve their college dreams. When schools focus on college and provide the tools to get there, students make the connection between the work they are doing now and their future goals in college and life. Students in those schools are more likely enroll in college and are also more likely to work hard in high school to be prepared for college when they arrive. The bill we are introducing today tries to ensure that lack of information never prevents a student from achieving his or her college dream.

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. 1129

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 ''Pathways to College Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) An educated workforce is crucial to the success of the United States economy. Access to higher education for all students is critical to maintaining an educated workforce. More than 80 percent of the 23,000,000 jobs that will be created in the next 10 years will require postsecondary education. Only 36 percent of all 18- to 24-year olds are currently enrolled in postsecondary education.

(2) Workers with bachelor's degrees earn on average $17,000 more annually than workers with only high school diplomas. Workers who earn bachelor's degrees can be expected to earn $1,000,000 more over a lifetime than those who only finished high school.

(3) In order to prepare students for college, all schools should—

(A) provide student guidance to engage students in college and career awareness; and

(B) ensure that students enroll in a rigorous curriculum to prepare for postsecondary education.

(4) The Department of Education reports that the average student-to-counselor ratio in high schools is 315:1. This is far higher than the ratio recommended by the American School Counselor Association, which is 250:1. While school counselors at private schools spend an average of 58 percent of their time on postsecondary education counseling, school counselors in public schools spend an average of 25 percent of their time on postsecondary education counseling.

(5) While just 57 percent of students from the lowest income quartile enroll in college, 87 percent of students from the top income quartile enroll. Of students who were in eighth grade in 2000, only 20 percent of the lowest-income students are projected to attain a bachelor's degree by 2012, compared to 68 percent of the highest income group, according to the Advisory Committee on Student Financial Assistance in 2006.

(6) A recent report by the Consortium on Chicago School Research found that only 41 percent of Chicago public school students who aspire to go to college took the steps necessary to apply to and enroll in a 4-year institution of higher education. The report also reveals that only ⅓ of Chicago students who want to attend a 4-year institution of higher education enroll in a school that matches their qualifications. Even among students qualified to attend a selective college, 29 percent enrolled in a community college or did not enroll at all.

(7) The Consortium found that many Chicago public school students do not complete the Free Application for Federal Student Aid, even though students who apply for Federal financial aid are 50 percent more likely to enroll in college. Sixty-five percent of public secondary school counselors at low-income schools believe that students and parents are discouraged from considering college as an option due to lack of knowledge about financial aid.

(8) Low-income and first-generation families often overestimate the cost of tuition and underestimate available aid; students from these backgrounds have access to fewer college application resources and financial aid resources than other groups, and are less likely to fulfill their postsecondary plans as a result.

(9) College preparation intervention programs can double the college-going rates for at-risk youth, can expand students' educational aspirations, and can boost college enrollment and graduation rates.

SEC. 3. GRANT PROGRAM.

(a) DEFINITIONS.—In this Act:

(1) COLLEGE-GOING RATE.—The term ''college-going rate'' means the percentage of high school graduates who enroll at an institution of higher education in the school year immediately following graduation from high school.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency in which a majority of the high schools served by the agency are high-need high schools.

(3) HIGH-NEED HIGH SCHOOL.—The term ''high-need high school'' means a high school in which not less than 50 percent of the students enrolled in the school are—

(A) eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

(C) in families eligible for assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) HIGH SCHOOL.—The term ''high school'' means a nonprofit institutional day or residential school, including a public charter high school, that provides high school education, as determined under State law.

(5) HIGH SCHOOL GRADUATION RATE.—The term ''high school graduation rate''—

(A) means the percentage of students who graduate from high school with a regular diploma in the standard number of years; and

(B) is clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(6) 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)).

(7) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) PARENT.—The term ''parent'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(b) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary is authorized to award grants, on a competitive basis, to eligible local educational agencies to carry out the activities described in this section.

(c) DURATION.—Grants awarded under this section shall be 5 years in duration.

(d) DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure that the grants are distributed among the different geographic regions of the United States, and among eligible local educational agencies serving urban and rural areas.

(e) APPLICATIONS.—

(1) IN GENERAL.—Each eligible local educational agency desiring a grant under this

section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the program to be carried out with grant funds and—

(A) a detailed description of the high school population to be targeted by the program, the particular college-access needs of such population, and the resources available for meeting such needs;

(B) measurable objectives of the program, including goals for increasing the number of college applications submitted by each student and the number of students submitting applications, increasing Free Application for Federal Student Aid completion rates, and increasing school-wide college-going rates across the local educational agency;

(C) a description of the local educational agency's plan to work cooperatively, where applicable, with programs funded under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq. and 1070a–21 et seq.), including the extent to which the agency commits to sharing facilities, providing access to students, and developing compatible record-keeping systems;

(D) a description of the activities, services, and training to be provided by the program, including a plan to provide structure and support for all students in the college search, planning, and application process;

(E) a description of the methods to be used to evaluate the outcomes and effectiveness of the program;

(F) an assurance that grant funds will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant;

(G) an explanation of the method used for calculating college enrollment rates for each high school served by the eligible local educational agency that is based on externally verified data, and, when possible, aligned with existing State or local methods;

(H) a plan to make the program sustainable over time, including the use of matching funds from non-Federal sources; and

(I) a description of the local educational agency's plan to work cooperatively, where applicable, with the program funded under part H of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161h et seq.), including the extent to which the agency commits to using and leveraging—

(i) the needs assessment and recommendations;

(ii) the model for measuring college enrollment; and

(iii) comprehensive services.

(3) METHOD OF CALCULATING ENROLLMENT RATES.—

(A) IN GENERAL.—A method included in an application under paragraph (2)(G)—

(i) shall, at a minimum, track students' first-time enrollment in institutions of higher education; and

(ii) may track progress toward completion of a postsecondary degree.

(B) DEVELOPMENT IN CONJUNCTION.—An eligible local educational agency may develop a method pursuant to paragraph (2)(G) in conjunction with an existing public or private entity that currently maintains such a method.

(f) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications from eligible local educational agencies serving schools with the highest percentages of poverty.

(g) USE OF FUNDS.—

(1) IN GENERAL.—An eligible local educational agency that receives a grant under this section shall develop and implement, or expand, a program to increase the number of low-income students who enroll in postsecondary educational institutions, including institutions with competitive admissions criteria.

(2) REQUIRED USE OF FUNDS.—Each program funded under this section shall—

(A) provide professional development to high school teachers and school counselors in postsecondary education advising;

(B) implement a comprehensive college guidance program for all students in a high school served by an eligible local educational agency under this section that—

(i) ensures that all students and their parents, are regularly notified throughout the students' time in high school, beginning in the first year of high school, of—

(I) high school graduation requirements;

(II) college entrance requirements;

(III) the economic and social benefits of higher education;

(IV) college expenses, including information about expenses by institutional type, differences between sticker price and net price, and expenses beyond tuition; and

(V) the resources for paying for college, including the availability, eligibility, and variety of financial aid;

(ii) provides assistance to students in registering for and preparing for college entrance tests;

(iii) provides one-on-one guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial aid assistance and other State, local, and private financial aid assistance and scholarships;

(iv) provides opportunities for students to explore postsecondary opportunities outside of the school setting, such as college fairs, career fairs, college tours, workplace visits, or other similar activities; and

(v) provides not less than 1 meeting for each student, not later than the first semester of the first year of high school, with a school counselor, college access personnel (including personnel involved in programs funded under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq. and 1070a–21 et seq.)), trained teacher, or other professional or organization, such as a community-based organization, approved by the school, to discuss postsecondary options, outline postsecondary goals, and create a plan to achieve those goals, and provides not less than 2 meetings in each year to discuss progress on the plan;

(C) ensure that each high school served by the eligible local educational agency develops a comprehensive, school-wide plan of action to strengthen the college-going culture within the high school; and

(D) create or maintain a postsecondary access center in the school setting that provides information on colleges and universities, career opportunities, and financial aid options and provide a setting in which professionals working in college access programs, such as those funded under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq. and 1070a–21 et seq.), can meet with students.

(3) ALLOWABLE USE OF FUNDS.—Each program funded under this section may—

(A) establish mandatory postsecondary planning classes for high school students to assist in the college preparation and application process;

(B) hire and train postsecondary coaches with expertise in the college-going process to supplement existing school counselors;

(C) increase the number of school counselors who specialize in the college-going process serving students;

(D) train student leaders to assist in the creation of a college-going culture in their schools;

(E) establish partnerships with programs funded under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq. and 1070a–21 et seq.)), and with community and nonprofit organizations to increase college-going rates at high schools served by the eligible local educational agency;

(F) provide long-term postsecondary follow up with graduates of the high schools served by the eligible local educational agencies, including increasing alumni involvement in mentoring and advising roles within the high school; and

(G) deliver college and career planning curriculum as a stand-alone course, or embedded in other classes, or delivered through the guidance curriculum by the school counselor for all students in high school.

(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds available to carry out the activities described in this section.

(i) TECHNICAL ASSISTANCE.—The Secretary, directly or through contracting through a full and open process with 1 or more organizations that have demonstrated experience providing technical assistance to raise school-wide college-going rates in local educational agencies in not less than 3 States, shall provide technical assistance to grantees in carrying out this section. The technical assistance shall—

(1) provide assistance in the calculation and analysis of college-going rates for all grant recipients;

(2) provide semi-annual analysis to each grant recipient recommending best practices based on a comparison of the recipient's data with that of high schools with similar demographics; and

(3) provide annual best practices conferences for all grant recipients.

(j) REPORTING REQUIREMENTS.—Each eligible local educational agency receiving a grant under this section shall collect and report annually to the Secretary such information for the local educational agency and for each high school assisted under this section on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

(1) the number and percentage of students who enroll in an institution of higher education in the school year immediately following the students' high school graduation as measured by externally verified school-wide college enrollment data;

(2) the number and percentage of students who graduate from high school on time with a regular high school diploma;

(3) the number and percentage of students, at each grade level, who are on track to graduate from high school on time and with a regular high school diploma;

(4) the number and percentage of senior high school students who apply to an institution of higher education and the average number of applications completed and submitted by students;

(5) the number and percentage of senior high school students who file the Free Application for Federal Student Aid forms;

(6) the number and percentage of students, in grade 10, who take early admissions assessments, such as the PSAT;

(7) the number and percentage of students, in grades 11 and 12, who take the SAT or ACT, and the students' mean scores on such assessments;

(8) where data are available, the number and percentage of students enrolled in remedial mathematics or English courses during their freshman year at an institution of higher education;

(9) the number and percentage of students, in grades 11 and 12, enrolled in not less than 2 of the following:

(A) a dual credit course; or

(B) an Advanced Placement or International Baccalaureate course; and

(10) the number and percentage of students who meet or exceed State reading or language arts, mathematics, or science standards, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(k) REPORTING OF DATA.—Each eligible local educational agency receiving a grant under this section shall report to the Secretary, where possible, the information required under subsection (j) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(l) EVALUATIONS BY GRANTEES.—Each eligible local educational agency that receives a grant under this section shall—

(1) conduct periodic evaluations of the effectiveness of the activities carried out under the grant toward increasing schoolwide college-going rates;

(2) use such evaluations to refine and improve activities conducted with the grant and the performance measures for such activities; and

(3) make the results of such evaluations publicly available, including by providing public notice of such availability.

(m) REPORT.—From the amount appropriated for any fiscal year, the Secretary shall reserve such sums as may be necessary—

(1) to conduct an independent evaluation, by grant or by contract, of the programs carried out under this section, which shall include an assessment of the impact of the program on high school graduation rates and college-going rates; and

(2) to prepare and submit a report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and each of the 5 succeeding fiscal years.

By Ms. SNOWE (for herself, Mr. CONRAD, Mr. WYDEN, and Ms. COLLINS):

S. 1130. A bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by nonpublicly owned or operated institutions for mental diseases; to the Committee on Finance.

Ms. SNOWE. Mr. President, today, I rise to introduce the Medicaid Emergency Psychiatric Care Demonstration Project Act. I am pleased to be joined by Senators CONRAD, WYDEN and COLLINS in this effort. We are introducing this legislation to address an unfair conflict in two Federal laws—the Institution for Mental Diseases, IMD, Exclusion and The Emergency Medical and Labor Treatment Act, EMTALA.

EMTALA requires all hospitals, including freestanding psychiatric hospitals, to stabilize patients who come in with an emergency medical condition. At the same time, under an outdated Medicaid provision called the IMD exclusion, adult Medicaid patients, 21–64, are not covered for inpatient psychiatric care in a freestanding psychiatric hospital, but are covered in a general hospital psychiatric unit. Yet both types of hospitals are required to stabilize any patient—which may require hospitalization—who comes to them for emergency care regardless of ability to pay.

In order to correct this inequity, we have introduced the Medicaid Emergency Psychiatric Care Demonstration Project Act. This legislation would establish a 3-year, demonstration program capped at $75 million, which would allow states to apply for federal Medicaid matching funds to demonstrate that covering Medicaid patients in freestanding, non-governmental psychiatric hospitals will improve timely access to emergency psychiatric care, reduce the burden on overcrowded emergency rooms, and improve the efficiency and cost-effectiveness of inpatient psychiatric care. Our legislation helps alleviate a problem where patients with significant mental health needs are often forced to endure prolonged stays in emergency rooms and hospitals without the psychiatric attention they require.

The measure is supported by 27 national healthcare organizations, including the National Alliance for the Mentally Ill—the country's largest advocacy organization for the mentally ill, the National Association of Psychiatric Health Systems, the American Hospital Association, the Federation of American Hospitals, the American Psychiatric Association, the National Association of County Behavioral Healthcare Directors, the American College of Emergency Physicians, and the Emergency Nurses Association.

By Mr. WYDEN (for himself, Mr. BURR, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1131. A bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am reintroducing the Independence at Home Act together with colleagues in the Senate and the House. Mr. BURR, Mr. WHITEHOUSE, Mr. CARDIN and I are proud to join forces with our House colleagues, Mr. MARKEY, and his cosponsor, Mr. SMITH, to move forward with this important legislation to provide a coordinated team-based approach to primary care for chronically ill Medicare beneficiaries in their own homes. Returning to basics like paying doctors for home visits to vulnerable patients, and following them through the course of their illness while saving taxpayers money, is the kind of legislation I am proud to introduce.

The Independence at Home, or IAH, Act comes at the perfect time. The American people and the federal government need to save money on health care, while having more choices and getting better results. This delivery model has a proven track record of doing just this. Similar ''house calls'' programs, currently operating across the country, are reducing costs, improving care quality, and helping people remain independent as long as possible. This delivery model is also providing much needed relief to caregivers who are often juggling a full-time job while caring for their very ill family member. This is medical care Americans want and deserve.

It is not too often that health policy has good outcome results before the pilot program phase begins, but that is exactly the case with the IAH Act. Similar home health delivery models, such as the Veterans Administration's Home-Based Primary Care, Boston, Massachusetts' Urban Medical's House Calls Program, and Portland, Oregon's Housecall Providers have been so successful in improving quality and reducing costs, that our bill guarantees 5 percent savings to Medicare.

These successful home health programs have demonstrated that the optimal way to address the challenges of caring for persons with chronic conditions is to better integrate their care and to work with their caregivers. Medical problems are best managed and coordinated by health care professionals who know their patients, their problems, their medications, and their other health care providers. Using this approach, the Independence at Home Act provides a better, more cost-effective way for Medicare patients with chronic conditions to get the care they need. It further advances Medicare reform by creating incentives for providers to develop better and lower cost health care for the highest cost beneficiaries.

This bipartisan, bicameral bill would create a pilot program to improve in-home care availability for beneficiaries with multiple chronic conditions. This is a win-win for all involved. It will help people remain in their homes for longer periods of time, it will improve the quality of care, and physicians will receive a bundled payment for coordinating this care with a team of healthcare providers.

More specifically, the Independence at Home Act establishes a two-phase three-year Medicare pilot project that uses a patient-centered health care delivery model to ensure that Medicare beneficiaries with multiple chronic conditions can remain independent for as long as possible in a comfortable environment. By incorporating lessons from past Medicare demonstration projects and from current home health

models, this bill provides for programs that hold providers accountable for quality, mandatory annual minimum savings, and patient satisfaction. Savings are generated by providing better care to Medicare beneficiaries with multiple chronic conditions and reducing duplicative and unnecessary services, hospitalization, and other health care costs.

Persons eligible for the program include Medicare beneficiaries with functional impairments, two or more chronic health problems, and recent use of other health services. Each IAH patient will receive a comprehensive assessment at least annually. The assessment will inform a plan for care that is directed by an IAH physician, nurse-practitioner, or physician's assistant. The plan is developed by an IAH plan coordinator in collaboration with the patient and caregiver. Medication management is provided by pharmacists due to their expertise in pharmacology, and electronic medical records and health information technology will be employed to improve patient care and reduce costs.

The two-phase pilot program will take place in the thirteen highest-cost states plus thirteen additional states. After review of Phase I and the evaluation report, the Secretary may elect to expand the program nationwide so it could then become an ongoing benefit for Medicare beneficiaries.

A shared-savings agreement incentive program allows this innovative delivery model to attract and maintain providers. The IAH organization will be required to demonstrate savings of at least 5 percent annually compared with the costs of serving non-participating Medicare chronically ill beneficiaries. The IAH organization may keep 80 percent of savings beyond the required 5 percent savings as an incentive to maximize the financial benefits of being an IAH organization. Any savings beyond 25 percent would be split, with 50 percent directed to the IAH organization and 50 percent to Medicare. In Phase II, the Secretary may modify the payment incentive structure to increase savings to the Medicare Trust Fund only if it will not impede access to IAH services to eligible beneficiaries.

I would like to thank my fellow Senate cosponsors, RICHARD BURR, SHELDON WHITEHOUSE, and BENJAMIN CARDIN, and my cosponsor in the House, Representative ED MARKEY, and his cosponsor, CHRIS SMITH, for their support. I also thank Rahm Emanuel for his support of IAH in the last Congress. I would also like to thank all our staff who worked so hard on this legislation, particularly Gregory Hinrichsen in my office. Finally, I would like to thank the following groups for voicing their support for this legislation: The American Academy of Home Care Physicians; The American Academy of Neurology; The AARP; The Alzheimer's Association; The Alzheimer's Foundation of America; The American Academy of Nurse Practitioners; The American College of Nurse Practitioners; American Academy of Physician Assistants; The American Society of Consultant Pharmacists; The National Family Caregivers Association; The Family Caregiver Alliance/National Center on Caregiving; The American Association of Homes and Services for the Aging; The Housecalls Doctors of Texas; The Maryland-National Capital Home Care Association; The Visiting Nurse Associations of America; Housecall Providers, Inc. of Portland, OR; Intel Corp.; The National Council on Aging; U.S. PIRG; Massachusetts Neurologic Society; Naples Health Care Associates; Urban Medical House Calls of Boston, MA; MD2U Doctors Who Make Housecalls (Louisville, KY); Wyeth Pharmaceuticals.

I urge all of my colleagues to support this important legislation to help Medicare patients get better care at lower cost.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows;

S. 1131

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 ''Independence at Home Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the November 2007 Congressional Budget Office Long Term Outlook for Health Care Spending, unless changes are made to the way health care is delivered, growing demand for resources caused by rising health care costs and to a lesser extent the nation's expanding elderly population will confront Americans with increasingly difficult choices between health care and other priorities. However, opportunities exist to constrain health care costs without adverse health care consequences.

(2) Medicare beneficiaries with multiple chronic conditions account for a disproportionate share of Medicare spending compared to their representation in the overall Medicare population, and evidence suggests that such patients often receive poorly coordinated care, including conflicting information from health providers and different diagnoses of the same symptoms.

(3) People with chronic conditions account for 76 percent of all hospital admissions, 88 percent of all prescriptions filled, and 72 percent of physician visits.

(4) Studies show that hospital utilization and emergency room visits for patients with multiple chronic conditions can be reduced and significant savings can be achieved through the use of interdisciplinary teams of health care professionals caring for patients in their places of residence.

(5) The Independence at Home Act creates a chronic care coordination pilot project to bring primary care medical services to the highest cost Medicare beneficiaries with multiple chronic conditions in their home or place of residence so that they may be as independent as possible for as long as possible in a comfortable setting.

(6) The Independence at Home Act generates savings by providing better, more coordinated care across all treatment settings to the highest cost Medicare beneficiaries with multiple chronic conditions, reducing duplicative and unnecessary services, and avoiding unnecessary hospitalizations, nursing home admissions, and emergency room visits.

(7) The Independence at Home Act holds providers accountable for improving beneficiary outcomes, ensuring patient and caregiver satisfaction, and achieving cost savings to Medicare on an annual basis.

(8) The Independence at Home Act creates incentives for practitioners and providers to develop methods and technologies for providing better and lower cost health care to the highest cost Medicare beneficiaries with the greatest incentives provided in the case of highest cost beneficiaries.

(9) The Independence at Home Act contains the central elements of proven home-based primary care delivery models that have been utilized for years by the Department of Veterans Affairs and ''house calls'' programs across the country to deliver coordinated care for chronic conditions in the comfort of a patient's home or place of residence.

SEC. 3. ESTABLISHMENT OF VOLUNTARY INDEPENDENCE AT HOME CHRONIC CARE COORDINATION PILOT PROJECT UNDER TRADITIONAL MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by amending subsection (c) of section 1807 (42 U.S.C. 1395b–8) to read as follows:

''(c) INDEPENDENCE AT HOME CHRONIC CARE COORDINATION PILOT PROJECT.—A pilot project for Independence at Home chronic care coordination programs for high cost Medicare beneficiaries with multiple chronic conditions is set forth in section 1807A.''; and

(2) by inserting after section 1807 the following new section:

''INDEPENDENCE AT HOME CHRONIC CARE COORDINATION PILOT PROJECT

''SEC. 1807A. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall provide for the phased in development, implementation, and evaluation of Independence at Home programs described in this section to meet the following objectives:

''(A) To improve patient outcomes, compared to comparable beneficiaries who do not participate in such a program, through reduced hospitalizations, nursing home admissions, or emergency room visits, increased symptom self-management, and similar results.

''(B) To improve satisfaction of patients and caregivers, as demonstrated through a quantitative pre-test and post-test survey developed by the Secretary that measures patient and caregiver satisfaction of care coordination, educational information, timeliness of response, and similar care features.

''(C) To achieve a minimum of 5 percent cost savings in the care of beneficiaries under this title suffering from multiple high cost chronic diseases.

''(2) INITIAL IMPLEMENTATION (PHASE I).—

''(A) IN GENERAL.—In carrying out this section and to the extent possible, the Secretary shall enter into agreements with at least two unaffiliated Independence at Home organizations in each of the 13 highest cost States (based on average per capita expenditures per State under this title), in the District of Columbia, and in 13 additional States that are representative of other regions of the United States and include medically underserved rural and urban areas, to provide chronic care coordination services for a period of three years or until those agreements are terminated by the Secretary. Such agreements under this paragraph shall continue in effect until the Secretary makes the determination described in paragraph (3) or until those agreements are supplanted by new agreements under such paragraph. The phase of implementation under this paragraph is

referred to in this section as the 'initial implementation' phase or 'phase I'.

''(B) PREFERENCE.—In selecting Independence at Home organizations under this paragraph, the Secretary shall give a preference, to the extent practicable, to organizations that—

''(i) have documented experience in furnishing the types of services covered by this section to eligible beneficiaries in the home or place of residence using qualified teams of health care professionals that are directed by individuals who have the qualifications of Independence at Home physicians, or in cases when such direction is provided by an Independence at Home physician to a physician assistant who has at least one year of experience providing gerontological medical and related services for chronically ill individuals in their homes, or other similar qualification as determined by the Secretary to be appropriate for the Independence at Home program, by the physician assistant acting under the supervision of an Independence at Home physician and as permitted under State law, or Independence at Home nurse practitioners;

''(ii) have the capacity to provide services covered by this section to at least 150 eligible beneficiaries; and

''(iii) use electronic medical records, health information technology, and individualized plans of care.

''(3) EXPANDED IMPLEMENTATION PHASE (PHASE II).—

''(A) IN GENERAL.—For periods beginning after the end of the 3-year initial implementation period under paragraph (2), subject to subparagraph (B), the Secretary shall renew agreements described in paragraph (2) with Independence at Home organization that have met all 3 objectives specified in paragraph (1) and enter into agreements described in paragraph (2) with any other organization that is located in any State or the District of Columbia, that was not an Independence at Home organization during the initial implementation period, and that meets the qualifications of an Independence at Home organization under this section. The Secretary may terminate and not renew such an agreement with an organization that has not met such objectives during the initial implementation period. The phase of implementation under this paragraph is referred to in this section as the 'expanded implementation' phase or 'phase II'.

''(B) CONTINGENCY.—The expanded implementation under subparagraph (A) shall not occur if the Secretary finds, not later than 60 days after the date of issuance of the independent evaluation under paragraph (5), that continuation of the Independence at Home project is not in the best interest of beneficiaries under this title or in the best interest of Federal health care programs.

''(4) ELIGIBILITY.—No organization shall be prohibited from participating under this section during expanded implementation phase under paragraph (3) (and, to the extent practicable, during initial implementation phase under paragraph (2)) because of its small size as long as it meets the eligibility requirements of this section.

''(5) INDEPENDENT EVALUATIONS.—

''(A) IN GENERAL.—The Secretary shall contract for an independent evaluation of the initial implementation phase under paragraph (2) with an interim report to Congress to be provided on such evaluation as soon as practicable after the first year of such phase and a final report to be provided to Congress as soon as practicable following the conclusion of the initial implementation phase, but not later than 6 months following the end of such phase. Such an evaluation shall be conducted by individuals with knowledge of chronic care coordination programs for the targeted patient population and demonstrated experience in the evaluation of such programs.

''(B) INFORMATION TO BE INCLUDED.—Each such report shall include an assessment of the following factors and shall identify the characteristics of individual Independence at Home programs that are the most effective in producing improvements in—

''(i) beneficiary, caregiver, and provider satisfaction;

''(ii) health outcomes appropriate for patients with multiple chronic diseases; and

''(iii) cost savings to the program under this title, such as in reducing—

''(I) hospital and skilled nursing facility admission rates and lengths of stay;

''(II) hospital readmission rates; and

''(III) emergency department visits

''(C) BREAKDOWN BY CONDITION.—Each such report shall include data on performance of Independence at Home organizations in responding to the needs of eligible beneficiaries with specific chronic conditions and combinations of conditions, as well as the overall eligible beneficiary population.

''(6) AGREEMENTS.—

''(A) IN GENERAL.—The Secretary shall enter into agreements, beginning not later than one year after the date of the enactment of this section, with Independence at Home organizations that meet the participation requirements of this section, including minimum performance standards developed under subsection (e)(3), in order to provide access by eligible beneficiaries to Independence at Home programs under this section.

''(B) AUTHORITY.—If the Secretary deems it necessary to serve the best interest of the beneficiaries under this title or the best interest of Federal health care programs, the Secretary may—

''(i) require screening of all potential Independence at Home organizations, including owners, (such as through fingerprinting, licensure checks, site-visits, and other database checks) before entering into an agreement;

''(ii) require a provisional period during which a new Independence at Home organization would be subject to enhanced oversight (such as prepayment review, unannounced site visits, and payment caps); and

''(iii) require applicants to disclose previous affiliation with entities that have uncollected Medicare or Medicaid debt, and authorize the denial of enrollment if the Secretary determines that these affiliations pose undue risk to the program.

''(7) REGULATIONS.—At least three months before entering into the first agreement under this section, the Secretary shall publish in the Federal Register the specifications for implementing this section. Such specifications shall describe the implementation process from initial to final implementation phases, including how the Secretary will identify and notify potential enrollees and how and when beneficiaries may enroll and disenroll from Independence at Home programs and change the programs in which they are enrolled.

''(8) PERIODIC PROGRESS REPORTS.—Semiannually during the first year in which this section is implemented and annually thereafter during the period of implementation of this section, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that describes the progress of implementation of this section and explaining any variation from the Independence at Home program as described in this section.

''(9) ANNUAL BEST PRACTICES CONFERENCE.—During the initial implementation phase and to the extent practicable at intervals thereafter, the Secretary shall provide for an annual Independence at Home teleconference for Independence at Home organizations to share best practices and review treatment interventions and protocols that were successful in meeting all 3 objectives specified in paragraph (1).

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

''(1) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' means bathing, dressing, grooming, transferring, feeding, or toileting.

''(2) CAREGIVER.—The term 'caregiver' means, with respect to an individual with a qualifying functional impairment, a family member, friend, or neighbor who provides assistance to the individual.

''(3) ELIGIBLE BENEFICIARY.—

''(A) IN GENERAL.—The term 'eligible beneficiary' means, with respect to an Independence at Home program, an individual who—

''(i) is entitled to benefits under part A and enrolled under part B, but not enrolled in a plan under part C;

''(ii) has a qualifying functional impairment and has been diagnosed with two or more of the chronic conditions described in subparagraph (C); and

''(iii) within the 12 months prior to the individual first enrolling with an Independence at Home program under this section, has received benefits under part A for the following services:

''(I) Non-elective inpatient hospital services.

''(II) Services in the emergency department of a hospital.

''(III) Any one of the following:

''(aa) Skilled nursing or sub-acute rehabilitation services in a Medicare-certified nursing facility.

''(bb) Comprehensive acute rehabilitation facility or Comprehensive outpatient rehabilitation facility services.

''(cc) Skilled nursing or rehabilitation services through a Medicare-certified home health agency.

''(B) DISQUALIFICATIONS.—Such term does not include an individual—

''(i) who is receiving benefits under section 1881;

''(ii) who is enrolled in a PACE program under section 1894;

''(iii) who is enrolled in (and is not disenrolled from) a chronic care improvement program under section 1807;

''(iv) who within a 12-month period has been a resident for more than 90 days in a skilled nursing facility, a nursing facility (as defined in section 1919), or any other facility identified by the Secretary;

''(v) who resides in a setting that presents a danger to the safety of in-home health care providers and primary caregivers; or

''(vi) whose enrollment in an Independence at Home program the Secretary determines would be inappropriate.

''(C) CHRONIC CONDITIONS DESCRIBED.—The chronic conditions described in this subparagraph are the following:

''(i) Congestive heart failure.

''(ii) Diabetes.

''(iii) Chronic obstructive pulmonary disease.

''(iv) Ischemic heart disease.

''(v) Peripheral arterial disease.

''(vi) Stroke.

''(vii) Alzheimer's Disease and other dementias designated by the Secretary.

''(viii) Pressure ulcers.

''(ix) Hypertension.

''(x) Neurodegenerative diseases designated by the Secretary which result in high costs under this title, including amyotropic lateral sclerosis (ALS), multiple sclerosis, and Parkinson's disease.

''(xi) Any other chronic condition that the Secretary identifies as likely to result in high costs to the program under this title when such condition is present in combination with one or more of the chronic conditions specified in the preceding clauses.

''(4) INDEPENDENCE AT HOME ASSESSMENT.—The term 'Independence at Home assessment' means a determination of eligibility of an individual for an Independence at Home program as an eligible beneficiary (as defined in paragraph (3)), a comprehensive medical history, physical examination, and assessment of the beneficiary's clinical and functional status that—

''(A) is conducted in person by an individual—

''(i) who—

''(I) is an Independence at Home physician or an Independence at Home nurse practitioner; or

''(II) a physician assistant, nurse practitioner, or clinical nurse specialist, as defined in section 1861(aa)(5), who is employed by an Independence at Home organization and is supervised by an Independence at Home physician or Independence at Home nurse practitioner; and

''(ii) does not have an ownership interest in the Independence at Home organization unless the Secretary determines that it is impracticable to preclude such individual's involvement; and

''(B) includes an assessment of—

''(i) activities of daily living and other comorbidities;

''(ii) medications and medication adherence;

''(iii) affect, cognition, executive function, and presence of mental disorders;

''(iv) functional status, including mobility, balance, gait, risk of falling, and sensory function;

''(v) social functioning and social integration;

''(vi) environmental needs and a safety assessment;

''(vii) the ability of the beneficiary's primary caregiver to assist with the beneficiary's care as well as the caregiver's own physical and emotional capacity, education, and training;

''(viii) whether, in the professional judgment of the individual conducting the assessment, the beneficiary is likely to benefit from an Independence at Home program;

''(ix) whether the conditions in the beneficiary's home or place of residence would permit the safe provision of services in the home or residence, respectively, under an Independence at Home program;

''(x) whether the beneficiary has a designated primary care physician whom the beneficiary has seen in an office-based setting within the previous 12 months; and

''(xi) other factors determined appropriate by the Secretary.

''(5) INDEPENDENCE AT HOME CARE TEAM.—The term 'Independence at Home care team'—

''(A) means, with respect to a participant, a team of qualified individuals that provides services to the participant as part of an Independence at Home program; and

''(B) includes an Independence at Home physician or an Independence at Home nurse practitioner and an Independence at Home coordinator (who may also be an Independence at Home physician or an Independence at Home nurse practitioner).

''(6) INDEPENDENCE AT HOME COORDINATOR.—The term 'Independence at Home coordinator' means, with respect to a participant, an individual who—

''(A) is employed by an Independence at Home organization and is responsible for coordinating all of the services of the participant's Independence at Home plan;

''(B) is a licensed health professional, such as a physician, registered nurse, nurse practitioner, clinical nurse specialist, physician assistant, or other health care professional as the Secretary determines appropriate, who has at least one year of experience providing and coordinating medical and related services for individuals in their homes; and

''(C) serves as the primary point of contact responsible for communications with the participant and for facilitating communications with other health care providers under the plan.

''(7) INDEPENDENCE AT HOME ORGANIZATION.—The term 'Independence at Home organization' means a provider of services, a physician or physician group practice, a nurse practitioner or nurse practitioner group practice which receives payment for services furnished under this title (other than only under this section) and which—

''(A) has entered into an agreement under subsection (a)(2) to provide an Independence at Home program under this section;

''(B)(i) provides all of the services of the Independence at Home plan in a participant's home or place of residence, or

''(ii) if the organization is not able to provide all such services in such home or residence, has adequate mechanisms for ensuring the provision of such services by one or more qualified entities;

''(C) has Independence at Home physicians, clinical nurse specialists, nurse practitioners, or physician assistants available to respond to patient emergencies 24 hours a day, seven days a week;

''(D) accepts all eligible beneficiaries from the organization's service area, as determined under the agreement with the Secretary under this section, except to the extent that qualified staff are not available; and

''(E) meets other requirements for such an organization under this section.

''(8) INDEPENDENCE AT HOME PHYSICIAN.—The term 'Independence at Home physician' means a physician who—

''(A) is employed by or affiliated with an Independence at Home organization, as required under paragraph (7)(C), or has another contractual relationship with the Independence at Home organization that requires the physician to make in-home visits and to be responsible for the plans of care for the physician's patients;

''(B) is certified—

''(i) by the American Board of Family Physicians, the American Board of Internal Medicine, the American Osteopathic Board of Family Physicians, the American Osteopathic Board of Internal Medicine, the American Board of Emergency Medicine, or the American Board of Physical Medicine and Rehabilitation; or

''(ii) by a Board recognized by the American Board of Medical Specialties and determined by the Secretary to be appropriate for the Independence at Home program;

''(C) has—

''(i) a certification in geriatric medicine as provided by American Board of Medical Specialties; or

''(ii) passed the clinical competency examination of the American Academy of Home Care Physicians and has substantial experience in the delivery of medical care in the home, including at least two years of experience in the management of Medicare patients and one year of experience in home-based medical care including at least 200 house calls; and

''(D) has furnished services during the previous 12 months for which payment is made under this title.

''(9) INDEPENDENCE AT HOME NURSE PRACTITIONER.—The term 'Independence at Home nurse practitioner' means a nurse practitioner who—

''(A) is employed by or affiliated with an Independence at Home organization, as required under paragraph (7)(C), or has another contractual relationship with the Independence at Home organization that requires the nurse practitioner to make in-home visits and to be responsible for the plans of care for the nurse practitioner's patients;

''(B) practices in accordance with State law regarding scope of practice for nurse practitioners;

''(C) is certified—

''(i) as a Gerontologic Nurse Practitioner by the American Academy of Nurse Practitioners Certification Program or the American Nurses Credentialing Center; or

''(ii) as a family nurse practitioner or adult nurse practitioner by the American Academy of Nurse Practitioners Certification Board or the American Nurses Credentialing Center and holds a certificate of Added Qualification in gerontology, elder care or care of the older adult provided by the American Academy of Nurse Practitioners, the American Nurses Credentialing Center or a national nurse practitioner certification board deemed by the Secretary to be appropriate for an Independence at Home program; and

''(D) has furnished services during the previous 12 months for which payment is made under this title.

''(10) INDEPENDENCE AT HOME PLAN.—The term 'Independence at Home plan' means a plan established under subsection (d)(2) for a specific participant in an Independence at Home program.

''(11) INDEPENDENCE AT HOME PROGRAM.—The term 'Independence at Home program' means a program described in subsection (d) that is operated by an Independence at Home organization.

''(12) PARTICIPANT.—The term 'participant' means an eligible beneficiary who has voluntarily enrolled in an Independence at Home program.

''(13) QUALIFIED ENTITY.—The term 'qualified entity' means a person or organization that is licensed or otherwise legally permitted to provide the specific service (or services) provided under an Independence at Home plan that the entity has agreed to provide.

''(14) QUALIFYING FUNCTIONAL IMPAIRMENT.—The term 'qualifying functional impairment' means an inability to perform, without the assistance of another person, two or more activities of daily living.

''(15) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means a individual that is licensed or otherwise legally permitted to provide the specific service (or services) under an Independence at Home plan that the individual has agreed to provide.

''(c) IDENTIFICATION AND ENROLLMENT OF PROSPECTIVE PROGRAM PARTICIPANTS.—

''(1) NOTICE TO ELIGIBLE INDEPENDENCE AT HOME BENEFICIARIES.—The Secretary shall develop a model notice to be made available to Medicare beneficiaries (and to their caregivers) who are potentially eligible for an Independence at Home program by participating providers and by Independence at Home programs. Such notice shall include the following information:

''(A) A description of the potential advantages to the beneficiary participating in an Independence at Home program.

''(B) A description of the eligibility requirements to participate.

''(C) Notice that participation is voluntary.

''(D) A statement that all other Medicare benefits remain available to beneficiaries who enroll in an Independence at Home program.

''(E) Notice that those who enroll in an Independence at Home program will be responsible for copayments for house calls made by Independence at Home physicians, physician assistants, or by Independence at Home nurse practitioners, except that such copayments may be reduced or eliminated at the discretion of the Independence at Home physician, physician assistant, or Independence at Home nurse practitioner involved in accordance with subsection (f).

''(F) A description of the services that could be provided.

''(G) A description of the method for participating, or withdrawing from participation, in an Independence at Home program or becoming no longer eligible to so participate.

''(2) VOLUNTARY PARTICIPATION AND CHOICE.—An eligible beneficiary may participate in an Independence at Home program through enrollment in such program on a voluntary basis and may terminate such participation at any time. Such a beneficiary may also receive Independence at Home services from the Independence at Home organization of the beneficiary's choice but may not receive Independence at Home services from more than one Independence at Home organization at a time.

''(d) INDEPENDENCE AT HOME PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—Each Independence at Home program shall, for each participant enrolled in the program—

''(A) designate—

''(i) an Independence at Home physician or an Independence at Home nurse practitioner; and

''(ii) an Independence at Home coordinator;

''(B) have a process to ensure that the participant received an Independence at Home assessment before enrollment in the program;

''(C) with the participation of the participant (or the participant's representative or caregiver), an Independence at Home physician, a physician assistant under the supervision of an Independence at Home physician and as permitted under State law, or an Independence at Home nurse practitioner, and the Independence at Home coordinator, develop an Independence at Home plan for the participant in accordance with paragraph (2);

''(D) ensure that the participant receives an Independence at Home assessment at least every 6 months after the original assessment to ensure that the Independence at Home plan for the participant remains current and appropriate;

''(E) implement all of the services under the participant's Independence at Home plan and in instances in which the Independence at Home organization does not provide specific services within the Independence at Home plan, ensure that qualified entities successfully provide those specific services; and

''(F) provide for an electronic medical record and electronic health information technology to coordinate the participant's care and to exchange information with the Medicare program and electronic monitoring and communication technologies and mobile diagnostic and therapeutic technologies as appropriate and accepted by the participant.

''(2) INDEPENDENCE AT HOME PLAN.—

''(A) IN GENERAL.—An Independence at Home plan for a participant shall be developed with the participant, an Independence at Home physician, a physician assistant under the supervision of an Independence at Home physician and as permitted under State law, an Independence at Home nurse practitioner, or an Independence at Home coordinator, and, if appropriate, one or more of the participant's caregivers and shall—

''(i) document the chronic conditions, comorbidities, and other health needs identified in the participant's Independence at Home assessment;

''(ii) determine which services under an Independence at Home plan described in subparagraph (C) are appropriate for the participant; and

''(iii) identify the qualified entity responsible for providing each service under such plan.

''(B) COMMUNICATION OF INDIVIDUALIZED INDEPENDENCE AT HOME PLAN TO THE INDEPENDENCE AT HOME COORDINATOR.—If the individual responsible for conducting the participant's Independence at Home assessment and developing the Independence at Home plan is not the participant's Independence at Home coordinator, the Independence at Home physician or Independence at Home nurse practitioner is responsible for ensuring that the participant's Independence at Home coordinator has such plan and is familiar with the requirements of the plan and has the appropriate contact information for all of the members of the Independence at Home care team.

''(C) SERVICES PROVIDED UNDER AN INDEPENDENCE AT HOME PLAN.—An Independence at Home organization shall coordinate and make available through referral to a qualified entity the services described in the following clauses (i) through (iii) to the extent they are needed and covered by under this title and shall provide the care coordination services described in the following clause (iv) to the extent they are appropriate and accepted by a participant:

''(i) Primary care services, such as physician visits, diagnosis, treatment, and preventive services.

''(ii) Home health services, such as skilled nursing care and physical and occupational therapy.

''(iii) Phlebotomy and ancillary laboratory and imaging services, including point of care laboratory and imaging diagnostics.

''(iv) Care coordination services, consisting of—

''(I) Monitoring and management of medications by a pharmacist who is certified in geriatric pharmacy by the Commission for Certification in Geriatric Pharmacy or possesses other comparable certification demonstrating knowledge and expertise in geriatric pharmacotherapy, as well as assistance to participants and their caregivers with respect to selection of a prescription drug plan under part D that best meets the needs of the participant's chronic conditions.

''(II) Coordination of all medical treatment furnished to the participant, regardless of whether such treatment is covered and available to the participant under this title.

''(III) Self-care education and preventive care consistent with the participant's condition.

''(IV) Education for primary caregivers and family members.

''(V) Caregiver counseling services and information about, and referral to, other caregiver support and health care services in the community.

''(VI) Referral to social services, such as personal care, meals, volunteers, and individual and family therapy.

''(VII) Information about, and access to, hospice care.

''(VIII) Pain and palliative care and end-of-life care, including information about developing advanced directives and physicians orders for life sustaining treatment.

''(3) PRIMARY TREATMENT ROLE WITHIN AN INDEPENDENCE AT HOME CARE TEAM.—An Independence at Home physician, a physician assistant under the supervision of an Independence at Home physician and as permitted under State law, or an Independence at Home nurse practitioner may assume the primary treatment role as permitted under State law.

''(4) ADDITIONAL RESPONSIBILITIES.—

''(A) OUTCOMES REPORT.—Each Independence at Home organization offering an Independence at Home program shall monitor and report to the Secretary, in a manner specified by the Secretary, on—

''(i) patient outcomes;

''(ii) beneficiary, caregiver, and provider satisfaction with respect to coordination of the participant's care; and

''(iii) the achievement of mandatory minimum savings described in subsection (e)(6).

''(B) ADDITIONAL REQUIREMENTS.—Each such organization and program shall provide the Secretary with listings of individuals employed by the organization, including contract employees, and individuals with an ownership interest in the organization and comply with such additional requirements as the Secretary may specify.

''(e) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—An agreement under this section with an Independence at Home organization shall contain such terms and conditions as the Secretary may specify consistent with this section.

''(2) CLINICAL, QUALITY IMPROVEMENT, AND FINANCIAL REQUIREMENTS.—The Secretary may not enter into an agreement with such an organization under this section for the operation of an Independence at Home program unless—

''(A) the program and organization meet the requirements of subsection (d), minimum quality and performance standards developed under paragraph (3), and such clinical, quality improvement, financial, program integrity, and other requirements as the Secretary deems to be appropriate for participants to be served; and

''(B) the organization demonstrates to the satisfaction of the Secretary that the organization is able to assume financial risk for performance under the agreement with respect to payments made to the organization under such agreement through available reserves, reinsurance, or withholding of funding provided under this title, or such other means as the Secretary determines appropriate.

''(3) MINIMUM QUALITY AND PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—The Secretary shall develop mandatory minimum quality and performance standards for Independence at Home organizations and programs.

''(B) STANDARDS TO BE INCLUDED.—Such standards shall include measures of—

''(i) improvement in participant outcomes;

''(ii) improvement in satisfaction of the beneficiary, caregiver, and provider involved; and

''(iii) cost savings consistent with paragraph (6).

''(C) MINIMUM PARTICIPATION STANDARD.—Such standards shall include a requirement that, for any year after the first year and except as the Secretary may provide for a program serving a rural area, an Independence at Home program had an average number of participants during the previous year of at least 100 participants.

''(4) TERM OF AGREEMENT AND MODIFICATION.—The agreement under this subsection shall be, subject to paragraphs (3)(C) and (5), for a period of three years, and the terms and conditions may be modified during the contract period by the Secretary as necessary to serve the best interest of the beneficiaries under this title or the best interest of Federal health care programs or upon the request of the Independence at Home organization.

''(5) TERMINATION AND NON-RENEWAL OF AGREEMENT.—

''(A) IN GENERAL.—If the Secretary determines that an Independence at Home organization has failed to meet the minimum performance standards under paragraph (3) or other requirements under this section, or if the Secretary deems it necessary to serve the best interest of the beneficiaries under this title or the best interest of Federal health care programs, the Secretary may terminate the agreement of the organization at the end of the contract year.

''(B) REQUIRED TERMINATION WHERE RISK TO HEALTH OR SAFETY OF A PARTICIPANT.—The Secretary shall terminate an agreement with an Independence at Home organization at any time the Secretary determines that the care being provided by such organization poses a threat to the health and safety of a participant.

''(C) TERMINATION BY INDEPENDENCE AT HOME ORGANIZATIONS.—Notwithstanding any other provision of this subsection, an Independence at Home organization may terminate an agreement with the Secretary under this section to provide an Independence at Home program at the end of a contract year if the organization provides to the Secretary and to the beneficiaries participating in the program notification of such termination more than 90 days before the end of such year. Paragraphs (6), (8), and (9)(B) shall apply to the organization until the date of termination.

''(D) NOTICE OF INVOLUNTARY TERMINATION.—The Secretary shall notify the participants in an Independence at Home program as soon as practicable if a determination is made to terminate an agreement with the Independence at Home organization involuntarily as provided in subparagraphs (A) and (B). Such notice shall inform the beneficiary of any other Independence at Home organizations that might be available to the beneficiary.

''(6) MANDATORY MINIMUM SAVINGS.—

''(A) REQUIRED.—

''(i) IN GENERAL.—Under an agreement under this subsection, each Independence at Home organization shall ensure that during any year of the agreement for its Independence at Home program, there is an aggregate savings in the cost to the program under this title for participating beneficiaries, as calculated under subparagraph (B), that is not less than 5 percent of the product described in clause (ii) for such participating beneficiaries and year.

''(ii) PRODUCT DESCRIBED.—The product described in this clause for participating beneficiaries in an Independence at Home program for a year is the product of—

''(I) the estimated average monthly costs that would have been incurred under parts A and B (and, to the extent cost information is available, part D) if those beneficiaries had not participated in the Independence at Home program; and

''(II) the number of participant-months for that year.

''(B) COMPUTATION OF AGGREGATE SAVINGS.—

''(i) MODEL FOR CALCULATING SAVINGS.—The Secretary shall contract with a nongovernmental organization or academic institution to independently develop an analytical model for determining whether an Independence at Home program achieves at least savings required under subparagraph (A) relative to costs that would have been incurred by Medicare in the absence of Independence at Home programs. The analytical model developed by the independent research organization for making these determinations shall utilize state-of-the-art econometric techniques, such as Heckman's selection correction methodologies, to account for sample selection bias, omitted variable bias, or problems with endogeneity.

''(ii) APPLICATION OF THE MODEL.—Using the model developed under clause (i), the Secretary shall compare the actual costs to Medicare of beneficiaries participating in an Independence at Home program to the predicted costs to Medicare of such beneficiaries to determine whether an Independence at Home program achieves the savings required under subparagraph (A).

''(iii) REVISIONS OF THE MODEL.—The Secretary shall require that the model developed under clause (i) for determining savings shall be designed according to instructions that will control, or adjust for, inflation as well as risk factors including, age, race, gender, disability status, socioeconomic status, region of country (such as State, county, metropolitan statistical area, or zip code), and such other factors as the Secretary determines to be appropriate, including adjustment for prior health care utilization. The Secretary may add to, modify, or substitute for such adjustment factors if such changes will improve the sensitivity or specificity of the calculation of costs savings.

''(iv) PARTICIPANT-MONTH.—In making the calculation described in subparagraph (A), each month or part of a month in a program year that a beneficiary participates in an Independence at Home program shall be counted as a 'participant-month'.

''(C) NOTICE OF SAVINGS CALCULATION.—No later than 30 days before the beginning of the first year of the pilot project under this section and 120 days before the beginning of any Independence at Home program year after the first such year, the Secretary shall publish in the Federal Register a description of the model developed under subparagraph (B)(i) and information for calculating savings required under subparagraph (A), including any revisions, sufficient to permit Independence at Home organizations to determine the savings they will be required to achieve during the program year to meet the savings requirement under subparagraph (A). In order to facilitate this notice, the Secretary may designate a single annual date for the beginning of all Independence at Home program years that shall not be later than one year from the date of enactment of this section.

''(7) MANNER OF PAYMENT.—Subject to paragraph (8), payments shall be made by the Secretary to an Independence at Home organization at a rate negotiated between the Secretary and the organization under the agreement for—

''(A) Independence at Home assessments; and

''(B) on a per-participant, per-month basis for the items and services required to be provided or made available under subsection (d)(2)(C)(iv).

''(8) ENSURING MANDATORY MINIMUM SAVINGS.—The Secretary shall require any Independence at Home organization that fails in any year to achieve the mandatory minimum savings described in paragraph (6) to provide those savings by refunding payments made to the organization under paragraph (7) during such year.

''(9) BUDGET NEUTRAL PAYMENT CONDITION.—

''(A) IN GENERAL.—Under this section, the Secretary shall ensure that the cumulative, aggregate sum of Medicare program benefit expenditures under parts A, B, and D for participants in Independence at Home programs and funds paid to Independence at Home organizations under this section, shall not exceed the Medicare program benefit expenditures under such parts that the Secretary estimates would have been made for such participants in the absence of such programs.

''(B) TREATMENT OF SAVINGS.—

''(i) INITIAL IMPLEMENTATION PHASE.—If an Independence at Home organization achieves aggregate savings in a year in the initial implementation phase in excess of the mandatory minimum savings described in paragraph (6)(A)(ii), 80 percent of such aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title during the initial implementation phase.

''(ii) EXPANDED IMPLEMENTATION PHASE.—If an Independence at Home organization achieves aggregate savings in a year in the expanded implementation phase in excess of 5 percent of the product described in paragraph (6)(A)(ii)—

''(I) insofar as such savings do not exceed 25 percent of such product, 80 percent of such aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title; and.

''(II) insofar as such savings exceed 25 percent of such product, in the Secretary's discretion, 50 percent of such excess aggregate savings shall be paid to the organization and the remainder shall be retained by the programs under this title.

''(f) WAIVER OF COINSURANCE FOR HOUSE CALLS.—A physician, physician assistant, or nurse practitioner furnishing services related to the Independence at Home program in the home or residence of a participant in an Independence at Home program may waive collection of any coinsurance that might otherwise be payable under section 1833(a) with respect to such services but only if the conditions described in section 1128A(i)(6)(A) are met.

''(g) REPORT.—Not later than three months after the date of receipt of the independent evaluation provided under subsection (a)(5) and each year thereafter during which this section is being implemented, the Secretary shall submit to the Committees of jurisdiction in Congress a report that shall include—

''(1) whether the Independence at Home programs under this section are meeting the minimum quality and performance standards in (e)(3);

''(2) a comparative evaluation of Independence at Home organizations in order to identify which programs, and characteristics of those programs, were the most effective in producing the best participant outcomes, patient and caregiver satisfaction, and cost savings; and

''(3) an evaluation of whether the participant eligibility criteria identified beneficiaries who were in the top ten percent of the highest cost Medicare beneficiaries.''.

(b) CONFORMING AMENDMENT.—Section 1833(a) of such Act (42 U.S.C. 1395l(a)) is amended, in the matter before paragraph (1), by inserting ''and section 1807A(f)'' after ''section 1876''.

By Mr. LEAHY:

S. 1132. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in 2003, Senator Ben Nighthorse Campbell and I, along with 68 other Senators, introduced a bill to allow qualified retired or current law enforcement officers to carry a concealed firearm across State lines. The Senate passed our bill by unanimous consent, and it was signed into law in July 2004. Passage of the Law Enforcement Officers Safety Act indicated strong confidence in the men and women who serve to protect their communities and their Nation as the first line of defense in any emergency.

Introduction of this legislation to benefit active and retired law enforcement officers across the country is especially timely as the Congress and the country have just recognized National Peace Officers Memorial Day. I am proud to introduce this legislation today and thank Senator KYL for joining me as a cosponsor.

This year, the Senate Judiciary Committee has turned its attention to State and local law enforcement. It has held hearings about the importance of Federal funding at the local level, and how strong community policing and positive community relationships are fundamental to a prosperous economy. I agree, and appreciated having the perspective at recent Judiciary Committee hearings of the State and local officials like Chief Michael Schirling and Lieutenant Kris Carlson from the Burlington, Vermont, Police Department. I hope the Senate will continue its strong support of our law enforcement officers with support for this legislation.

In 2007, the Senate Judiciary Committee twice reported the legislation I introduce today—once as a stand-alone bill and again as part of the School Safety and Law Enforcement Improvements Act. I hope the Senate will act in the interest of so many law enforcement officers across the United States by improving and building upon the current law.

Since enactment of the Law Enforcement Officers Safety Act, I have heard feedback from many in law enforcement that qualified retired officers have been subject to varying certification procedures from State to State. In many cases, differing interpretations have complicated the implementation of the law, and retired officers have experienced significant frustration in getting certified to lawfully carry a firearm under the law.

With the input of the law enforcement community, this bill proposes modest amendments to the current law, and will give retired officers more flexibility in obtaining certification. It also provides room for the variability in certification standards among the several States. For example, where a State has not set active duty standards, the retired officer can be certified pursuant to the standards set by a law enforcement agency in the State.

In addition to these changes, the bill makes clear that Amtrak officers, along with law enforcement officers of the Executive branch of the Federal Government, are covered by the law. The bill also reduces the years of service required for a retired officer to qualify under the law from 15 to 10. The bill now contains clearer standards to address mental health issues related to eligibility for officers who separate from service or retire. These are positive changes to the current law, and the requirements for eligibility would continue to require a significant term of service for a retired officer to qualify, a demonstrated commitment to law enforcement, and retirement in good standing.

The dedicated public servants who are trained to uphold the law and keep the peace deserve our support not just in their professional lives, but also when they are off-duty or retire. As a former prosecutor, I have great confidence in those who serve in law enforcement and their ability to exercise their privileges under this legislation safely and responsibly. The responsibilities they shoulder day to day on the job deserve our recognition and respect.

I hope all Senators will join us in support of this 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. 1132

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 ''Law Enforcement Officers Safety Act Improvements Act of 2009''.

SEC. 2.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

''(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.''.

(b) ACTIVE LAW ENFORCEMENT OFFICERS.—Section 926B of title 18, United States Code is amended by striking subsection (e) and inserting the following:

''(e) As used in this section, the term 'firearm'—

''(1) except as provided in this subsection, has the same meaning as in section 921 of this title;

''(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

''(3) does not include—

''(A) any machinegun (as defined in section 5845 of the National Firearms Act);

''(B) any firearm silencer (as defined in section 921 of this title); and

''(C) any destructive device (as defined in section 921 of this title).''.

(c) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''retired'' and inserting ''separated from service''; and

(ii) by striking '', other than for reasons of mental instability'';

(B) in paragraph (2), by striking ''retirement'' and inserting ''separation'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more'' and inserting ''separation, served as a law enforcement officer for an aggregate of 10 years or more''; and

(ii) in subparagraph (B), by striking ''retired'' and inserting ''separated'';

(D) by striking paragraph (4) and inserting the following:

''(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, a law enforcement agency within the State in which the individual resides;''; and

(E) by striking paragraph (5) and replacing it with the following:

''(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

''(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);'';

(2) in subsection (d)—

(A) paragraph (1)—

(i) by striking ''retired'' and inserting ''separated''; and

(ii) by striking ''to meet the standards'' and all that follows through ''concealed firearm'' and inserting ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm'';

(B) paragraph (2)—

(i) in subparagraph (A), by striking ''retired'' and inserting ''separated''; and

(ii) in subparagraph (B), by striking ''that indicates'' and all that follows through the period and inserting ''or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

''(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

''(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.''; and

(3) by striking subsection (e) and inserting the following:

''(e) As used in this section—

''(1) the term 'firearm'—

''(A) except as provided in this paragraph, has the same meaning as in section 921 of this title;

''(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

''(C) does not include—

''(i) any machinegun (as defined in section 5845 of the National Firearms Act);

''(ii) any firearm silencer (as defined in section 921 of this title); and

''(iii) any destructive device (as defined in section 921 of this title); and

''(2) the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department, or as a law enforcement or police officer of the executive branch of the Federal Government.''.

By Mr. WYDEN (for himself and Mr. GREGG):

S. 1133. A bill to amend title XVIII of the Social Security Act to provide for the establishment of shared decision making standards and requirements and to establish a pilot program for the implementation of shared decision making under the Medicare program; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to be joined by my colleague, the distinguished Senator from New Hampshire, JUDD GREGG, to introduce an important bill that will put patients in the driver's seat of their medical care. Today, my fellow Oregonian Representative EARL BLUMENAUER is introducing the same bill in the House of Representatives.

On the Senate floor and in the Finance Committee and Health Education Labor and Pensions Committee, senators have been wrestling with health reform. The challenge before the Congress is to both expand quality, affordable coverage to all Americans while containing costs.

Cost containment requires a lot of tough choices because it will require changing how care is delivered. The time of paying for volume and low quality is past. Chairman BAUCUS rightly recognized the challenges in cost containment and took up this issue as the first area he wanted to address in the series of public roundtables held in the Finance Committee.

I believe the key to transforming the health care system and cost containment is to give patients more choices. Patients should have more choices of health insurance plans. Patients should have a choice of doctor. Patients should also have choices in their medical care.

The research by Dr. Jim Weinstein and Dr. John Wennberg with the Dartmouth Atlas Project has documented regional variations in medical care. They have found both underuse, or the failure to deliver needed evidence-based care, and overuse, or the delivery of unnecessary supply-sensitive care. Regional variations are driven by local medical opinion, rather than sound science or the preferences of well-informed patients. Just because doctors are licensed to have a hammer, doesn't make every patient a nail.

Using their research, Office of Management and Budget Director Peter Orszag and other experts have estimated that as much as 30 percent of medical spending today goes to care that is unnecessary. That is 30 percent of $2.5 trillion is $750 billion going to care that does not make patients healthier and may even harm them.

The current standard of medical care in the U.S. fails to adequately ensure that patients are informed about all their treatment options and the risks and benefits of those options. This leads to patients getting medical treatments they may not have wanted had they been fully informed of their treatment options and integrated into the decision making process. In order to deliver the right care at the right time, informed patient choice should be the goal of medical care.

Shared decision making is a collaborative process between the doctor and patient when they discuss the tradeoffs among treatment options and discuss the patient's preferences and values. Shared decision making uses patient decision aids, an educational tool like a video or pamphlet that helps patients understand, communicate their beliefs and preferences related to their treatment options, and decide what medical treatments are best for them with their provider based on their medical treatment options, scientific evidence, circumstances, beliefs and preferences.

Informed patients choice depends on clinical comparative effectiveness research that compares the effectiveness of health care treatments. Shared decision making and patient decision aids use clinical comparative effectiveness research so that doctors and patients together make the right medical treatment choice for each individual patient.

This bill creates a three stage phase in of patient decision aids and shared decision making into the Medicare program. Phase I of the pilot is a 3-year period allowing 'early adopting' providers—those who already have experience using patient decision aids and incorporating them into their clinical practices—to participate in the pilot providing data for the Secretary and also serve as Shared Decision Making Resource Centers. During this period, an independent entity will develop consensus based standards for patient decision aids and a certification process to ensure decision aids are effective and provide unbiased information. An expert panel then recommends to the Secretary which patient decision aids may be used in this program.

Phase II is a 3-year period during which providers will be eligible to receive reimbursement for the use of certified patient decision aids. New providers may be added on an annual basis allowing for the gradual and voluntary expansion of shared decision making and patient decision aids to a large portion of the country.

The final stage requires all Medicare providers to ensure that Medicare beneficiaries receive shared decision making and patient decision aids prior to receiving treatment for a preference sensitive condition. If a provider does not ensure that a patient receives a patient decision aid then the provider's reimbursement may be reduced by no more than 20 percent.

This legislation is built on a shared savings model distributing 50 percent of the savings to participating providers based on their participation and performance on quality measures. Twenty-five percent of the savings are used to expand provider participation providing financial support to the Shared Decision Making Centers and providers. The final 25 percent savings are returned to the Medicare program. As shared decision making becomes the standard of practice, the shared savings percentages phases out.

I believe that this simple approach to informed patient choice is critically important to giving patients real choices by engaging them in their health care. As we look to expand access to health coverage, this bill provides a bipartisan, sensible path to putting patients in the driver's seat.

I hope my colleagues will join me in supporting this bill, and I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY and other members of the Finance Committee to secure passage of this important bill.

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. 1133

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 ''Empowering Medicare Patient Choices Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Dartmouth Atlas Project's work documenting regional variations in medical care has found both underuse, or the failure to deliver needed evidence-based care, and overuse, or the delivery of unnecessary supply-sensitive care.

(2) The Dartmouth Atlas Project has also found that many clinical decisions physicians make for elective medical treatments are driven by local medical opinion, rather than sound science or the preferences of well-informed patients. For example, the Dartmouth Atlas Project found that, among the 306 Hospital Referral Regions in the United States during the period of 2002 through 2003, the incidence of surgery for back pain-related conditions and joint replacement for chronic arthritis of the hip and knee varied 5.9-, 5.6-, and 4.8-fold, respectively, from the lowest to the highest region.

(3) Discretionary surgery for the following common conditions accounts for 40 percent of Medicare spending for inpatient surgery: early stage cancer of the prostate; early stage cancer of the breast; osteoarthritis of the knee; osteoarthritis of the hip; osteoarthritis of the spine; chest pain due to coronary artery disease; stroke threat from carotid artery disease, ischemia due to peripheral artery disease; gall stones; and enlarged prostate.

(4) Decisions that involve values trade-offs between the benefits and harms of 2 or more clinically appropriate alternatives should depend on the individual patient's informed choice. In everyday practice, however, patients typically delegate decision making to their physicians who may not have good information on the patient's true preferences.

(5) The current standard of medical care in the United States fails to adequately ensure that patients are informed about their treatment options and the risks and benefits of those options. This leads to patients getting medical treatments they may not have wanted had they been fully informed of their treatment options and integrated into the decision making process.

(6) Patient decision aids are tools designed to help people participate in decision making

about health care options. Patient decision aids provide information on treatment options and help patients clarify and communicate the personal value they associate with different features of treatment options. Patient decision aids do not advise people to choose one treatment option over another, nor are they meant to replace practitioner consultation. Instead, they prepare patients to make informed, value-based decisions with their physician.

(7) The Lewin Group estimated that the change in spending resulting from the use of patient decision aids for each of 11 conditions using per-procedure costs estimated for the Medicare population studied, assuming full implementation of such patient decision aids in 2010, would save as much as $4,000,000,000.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PROVIDER.—

(A) IN GENERAL.—The term ''eligible provider'' means the following:

(i) A primary care practice.

(ii) A specialty practice.

(iii) A multispecialty group practice.

(iv) A hospital.

(v) A rural health clinic.

(vi) A Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)).

(vii) An integrated delivery system.

(viii) A State cooperative.

(B) INCLUSION OF MEDICARE ADVANTAGE PLANS.—Such term includes a Medicare Advantage plan offered by a Medicare Advantage organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.).

(2) PATIENT DECISION AID.—The term ''patient decision aid'' means an educational tool (such as the Internet, a video, or a pamphlet) that helps patients (or, if appropriate, the family caregiver of the patient) understand and communicate their beliefs and preferences related to their treatment options, and to decide with their health care provider what treatments are best for them based on their treatment options, scientific evidence, circumstances, beliefs, and preferences.

(3) PREFERENCE SENSITIVE CARE.—The term ''preference sensitive care'' means medical care for which the clinical evidence does not clearly support one treatment option such that the appropriate course of treatment depends on the values of the patient or the preferences of the patient regarding the benefits, harms, and scientific evidence for each treatment option. The use of such care should depend on informed patient choice among clinically appropriate treatment options. Such term includes medical care for the conditions identified in section 5(g).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SHARED DECISION MAKING.—The term ''shared decision making'' means a collaborative process between patient and clinician that engages the patient in decision making, provides patients with information about trade-offs among treatment options, and facilitates the incorporation of patient preferences and values into the medical plan.

(6) STATE COOPERATIVE.—The term ''State cooperative'' means an entity that includes the State government and at least one other health care provider which is set up for the purpose of testing shared decision making and patient decision aids.

SEC. 4. ESTABLISHMENT OF INDEPENDENT STANDARDS FOR PATIENT DECISION AIDS.

(a) CONTRACT WITH ENTITY TO ESTABLISH STANDARDS AND CERTIFY PATIENT DECISION AIDS.—

(1) CONTRACT.—

(A) IN GENERAL.—For purposes of supporting consensus-based standards for patient decision aids and a certification process for patient decision aids for use in the Medicare program and by other interested parties, the Secretary shall identify and have in effect a contract with an entity that meets the requirements described in paragraph (4). Such contract shall provide that the entity perform the duties described in paragraph (2).

(B) TIMING FOR FIRST CONTRACT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall enter into the first contract under subparagraph (A).

(C) PERIOD OF CONTRACT.—A contract under subparagraph (A) shall be for a period of 18 months (except such contract may be renewed after a subsequent bidding process).

(D) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into a contract under subparagraph (A).

(2) DUTIES.—The following duties are described in this paragraph:

(A) OPERATE AN OPEN AND TRANSPARENT PROCESS.—The entity shall conduct its business in an open and transparent manner and provide the opportunity for public comment on the activities described in subparagraphs (B) and (C).

(B) ESTABLISH STANDARDS FOR PATIENT DECISION AIDS.—

(i) IN GENERAL.—The entity shall synthesize evidence and convene a broad range of experts and key stakeholders to establish consensus-based standards, such as those developed by the International Patient Decision Aid Standard Collaboration, to determine which patient decision aids are high quality patient decision aids.

(ii) DRAFT OF PROPOSED STANDARDS.—The entity shall make a draft of proposed standards available to the public.

(iii) 60-DAY COMMENT PERIOD.—Beginning on the date the entity makes a draft of the proposed standards available under clause (ii), the entity shall provide a 60-day period for public comment on such draft.

(iv) FINAL STANDARDS.—

(I) IN GENERAL.—The standards established by the entity under this subparagraph shall be adopted by the board of the entity.

(II) PUBLIC AVAILABILITY.—The entity shall make such standards available to the public.

(C) CERTIFY PATIENT DECISION AIDS.—The entity shall review patient decision aids and certify whether patient decision aids meet the standards established under subparagraph (B) and offer a balanced presentation of treatment options from both the clinical and patient experience perspectives. In conducting such review and certification, the entity shall give priority to the review and certification of patient decision aids for conditions identified in section 5(g).

(3) REPORT TO THE EXPERT PANEL.—The entity shall submit to the expert panel established under subsection (b) a report on the standards established for patient decision aids under paragraph (2)(B) and patient decision aids that are certified as meeting such standards under paragraph (2)(C).

(4) REQUIREMENTS DESCRIBED.—The following requirements are described in this paragraph:

(A) PRIVATE NONPROFIT.—The entity is a private nonprofit organization governed by a board.

(B) EXPERIENCE.—The entity shall be able to demonstrate experience with—

(i) consumer engagement;

(ii) standard setting;

(iii) health literacy;

(iv) health care quality and safety issues;

(v) certification processes;

(vi) measure development; and

(vii) evaluating health care quality.

(C) MEMBERSHIP FEES.—If the entity requires a membership fee for participation in the functions of the entity, such fees shall be reasonable and adjusted based on the capacity of the potential member to pay the fee. In no case shall membership fees pose a barrier to the participation of individuals or groups with low or nominal resources to participate in the functions of the entity.

(b) EXPERT PANEL.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an expert panel to make recommendations to the Secretary regarding which patient decision aids should be implemented, appropriate training for health care providers on patient decision aids and shared decision making, and appropriate quality measures for use in the pilot program under section 5 and under section 1899 of the Social Security Act, as added by section 6.

(2) DUTIES.—The expert panel shall carry out the following duties:

(A) Approve patient decision aids, from among those patient decision aids certified under paragraph (2)(C) of subsection (a) by the entity with a contract under such subsection, for use in the pilot program under section 5 (including to the extent practicable, patient decision aids for the medical care of the conditions described in section 5(g) and under section 1899 of the Social Security Act, as added by section 6.

(B) Review current training curricula for health care providers on patient decision aids and shared decision making and recommend a training process for eligible providers participating in the pilot program under section 5 on the use of such approved patient decision aids and shared decision making.

(C) Review existing quality measures regarding patient knowledge, value concordance, and health outcomes that have been endorsed through a consensus-based process and recommend appropriate quality measures for selection under section 5(h)(1).

(3) APPOINTMENT.—The expert panel shall be composed of 13 members appointed by the Secretary from among leading experts in shared decision making of whom—

(A) 2 shall be researchers;

(B) 2 shall be primary care physicians;

(C) 2 shall be from surgical specialties;

(D) 2 shall be patient or consumer community advocates;

(E) 2 shall be nonphysician health care providers (such as nurses, nurse practitioners, and physician assistants);

(F) 1 shall be from an integrated multispecialty group practice;

(G) 1 shall be from the National Cancer Institute; and

(H) 1 shall be from the Centers for Disease Control and Prevention.

(4) REPORT.—Not later than 2 years after such date of enactment and each year thereafter until the date of the termination of the expert panel under paragraph (5), the expert panel shall submit to the Secretary a report on the patient decision aids approved under paragraph (2)(A), the training process recommended under paragraph (2)(B), the quality measures recommended under paragraph (2)(C), and recommendations on other conditions or medical care the Secretary may want to include in the pilot program under section 5.

(5) TERMINATION.—The expert panel shall terminate on such date as the Secretary determines appropriate.

(c) QUALITY MEASURE DEVELOPMENT.—

(1) IN GENERAL.—Section 1890(b)(1)(A) of the Social Security Act (42 U.S.C. 1395aaa(b)(1)(A)) is amended—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end the following new clause:

''(iv) that address conditions described in section 5(g) of the Empowering Medicare Patient Choices Act and regional practice variations under this title; and''.

(2) CONFORMING AMENDMENT.—Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended—

(A) by inserting ''(other than subsection (b)(1)(A)(iv))'' after ''this section''; and

(B) by adding at the end the following new sentence: ''For provisions relating to funding for the duties described in subsection (b)(1)(A)(iv), see section 5(l) of the Empowering Medicare Patient Choices Act.''.

SEC. 5. ESTABLISHMENT OF SHARED DECISION MAKING PILOT PROGRAM UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish a pilot program to provide for the phased-in development, implementation, and evaluation of shared decision making under the Medicare program using patient decision aids to meet the objective of improving the understanding by Medicare beneficiaries of their medical treatment options, as compared to comparable Medicare beneficiaries who do not participate in a shared decision making process using patient decision aids.

(b) INITIAL IMPLEMENTATION (PHASE I).—

(1) IN GENERAL.—During the initial implementation of the pilot program under this section (referred to in this section as ''Phase I'' of the pilot program), the Secretary shall enroll in the pilot program not more than 15 eligible providers who have experience in implementing, and have invested in the necessary infrastructure to implement, shared decision making using patient decision aids for a period of 3 years.

(2) APPLICATION.—An eligible provider seeking to participate in the pilot program during phase I shall submit to the Secretary an application at such time and containing such information as the Secretary may require.

(3) PREFERENCE.—In enrolling eligible providers in the pilot program during phase I, the Secretary shall give preference to eligible providers that—

(A) have documented experience in using patient decision aids for the conditions identified in subsection (g) and in using shared decision making;

(B) have the necessary information technology infrastructure to collect the information required by the Secretary for reporting purposes;

(C) are trained in how to use patient decision aids and shared decision making; and

(D) would be eligible to receive financial assistance as a Shared Decision Making Resource Center under subsection (c).

(c) SHARED DECISION MAKING RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary shall provide financial assistance for the establishment and support of Shared Decision Making Resource Centers (referred to in this section as ''centers'') to provide technical assistance to eligible providers and to develop and disseminate best practices and other information to support and accelerate adoption, implementation, and effective use of patient decision aids and shared decision making by eligible providers under the Medicare program.

(2) AFFILIATION.—Centers shall be affiliated with a United States-based organization or group that applies for and is awarded financial assistance under this subsection. The Secretary shall provide financial assistance to centers under this subsection on the basis of merit.

(3) OBJECTIVES.—The objective of a center is to enhance and promote the adoption of patient decision aids and shared decision making through—

(A) providing assistance to eligible providers with the implementation and effective use of, and training on, patient decision aids;

(B) the dissemination of best practices and research on the implementation and effective use of patient decision aids; and

(C) providing assistance to eligible providers applying to participate or participating in phase II of the pilot program under this section or under section 1899 of the Social Security Act, as added by section 6.

(4) REGIONAL ASSISTANCE.—Each center shall aim to provide assistance and education to all eligible providers in a region, including direct assistance to the following eligible providers:

(A) Public or not-for-profit hospitals or critical access hospitals (as defined in section 1861 (mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)).

(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)).

(C) Entities that are located in a rural area or in area that serves uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

(5) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial assistance for a period of 8 years to any regional center established or supported under this subsection.

(B) COST-SHARING REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall not provide as financial assistance under this subsection more than 50 percent of the capital and annual operating and maintenance funds required to establish and support such a center.

(ii) WAIVER OF COST-SHARING REQUIREMENT.—The Secretary may waive the limitation under clause (i) if the Secretary determines that, as a result of national economic conditions, such limitation would be detrimental to the pilot program under this section. If the Secretary waives such limitation under the preceding sentence, the Secretary shall submit to Congress a report containing the Secretary's justification for such waiver.

(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 12 months after the date of the enactment of this Act, a draft description of a program for establishing and supporting regional centers under this subsection. Such draft description shall include the following:

(A) A detailed explanation of the program and the program goals.

(B) Procedures to be followed by applicants for financial assistance.

(C) Criteria for determining which applicants are qualified to receive financial assistance.

(D) Maximum support levels expected to be available to centers under the program.

(7) APPLICATION REVIEW.—The Secretary shall review each application for financial assistance under this subsection based on merit. In making a decision whether to approve such application and provide financial assistance, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

(A) the ability of the applicant to provide assistance to particular categories of eligible providers with respect to the implementation and effective use of, and training on, patient decision aids;

(B) the geographical diversity and extent of the service area of the applicant; and

(C) the percentage of funding for the center that would be provided as financial assistance under this subsection and the amount of any funding or in-kind commitment from sources of funding in addition to the financial assistance provided under this subsection.

(8) BIENNIAL EVALUATION.—Each center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each such evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and officials of the Federal Government. Each evaluation panel shall measure the performance of the center involved against the objectives specified in paragraph (3). The Secretary shall not continue to provide financial assistance to a center under this subsection unless the most recent evaluation under this paragraph with respect to the center is overall positive.

(d) EXPANDED IMPLEMENTATION (PHASE II).—

(1) IN GENERAL.—Subject to paragraph (2), during the 3-year period beginning after the completion of phase I of the pilot program (referred to in this section as ''phase II'' of the pilot program), the Secretary shall enroll additional eligible providers to implement shared decision making using patient decision aids under the pilot program under this section. The Secretary may allow eligible providers to enroll in the pilot program on a regular basis during phase II.

(2) CONTINGENCY.—The Secretary shall not implement phase II of the pilot program if the Secretary finds, not later than 90 days after the date of submittal of the interim report under subsection (i)(2)(A), that the continued implementation of shared decision making is not in the best interest of Medicare beneficiaries.

(3) PREFERENCE.—In enrolling eligible providers in the pilot program during phase II, the Secretary shall include, to the extent practicable, eligible providers that—

(A) have or can acquire the infrastructure necessary to implement shared decision making supported by patient decision aids approved by the expert panel established under section 4(b) in a timely manner;

(B) have training in the use of patient decision aids or will participate in training for health care professionals who will be involved in such use (as specified by the Secretary); or

(C) represent high cost areas or high practice variation States under the Medicare program, and the District of Columbia.

(e) GUIDANCE.—The Secretary may, in consultation with the expert panel established under section 4(b), issue guidance to eligible providers participating in the pilot program under this section on the use of patient decision aids approved by the expert panel.

(f) REQUIREMENTS.—

(1) IMPLEMENTATION OF APPROVED PATIENT DECISION AIDS.—

(A) IN GENERAL.—During phase II of the pilot program under this section, an eligible provider participating in the pilot program shall incorporate 1 or more patient decision aids approved by the expert panel established under section 4(b) in furnishing items and services to Medicare beneficiaries with respect to 1 or more of the conditions identified in subsection (g), together with ongoing support involved in furnishing such items and services.

(B) DEFINED CLINICAL PROCESS.—During each phase of the pilot program under this section, the eligible provider shall establish and implement a defined clinical process under which, in the case of a Medicare beneficiary with 1 or more of such conditions, the eligible provider offers the Medicare beneficiary shared decision making (supported by such a patient decision aid) and collects information on the quality of patient decision making with respect to the Medicare beneficiary.

(2) FOLLOW-UP COUNSELING VISIT.—

(A) IN GENERAL.—During each phase of the pilot program under this section, an eligible provider participating in the pilot program under this section shall routinely schedule Medicare beneficiaries for a counseling visit after the viewing of such a patient decision aid to answer any questions the beneficiary may have with respect to the medical care of the condition involved and to assist the beneficiary in thinking through how their preferences and concerns relate to their medical care.

(B) PAYMENT FOR FOLLOW-UP COUNSELING VISIT.—The Secretary shall establish procedures for making payments for such counseling visits provided to Medicare beneficiaries during each phase of the pilot program under this section. Such procedures shall provide for the establishment—

(i) of a code (or codes) to represent such services; and

(ii) of a single payment amount for such service that includes the professional time of the health care provider and a portion of the reasonable costs of the infrastructure of the eligible provider.

(C) LIMITATION.—In the case of an eligible provider that is a Medicare Advantage plan, such eligible provider may not receive payment for such services.

(3) WAIVER OF COINSURANCE.—The Secretary shall establish procedures under which an eligible provider participating in the pilot program under this section may, in the case of a low-income Medicare beneficiary (as determined by the Secretary), waive any coinsurance or copayment that would otherwise apply for the follow-up counseling visit provided to such Medicare beneficiary under paragraph (2).

(4) COSTS OF IMPLEMENTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), during each phase of the pilot program, an eligible provider participating in the pilot program shall be responsible for the costs of selecting, purchasing, and incorporating such patient decision aids into the group practice, reporting data on quality measures selected under subsection (h)(1), and recording outcomes under the pilot program.

(B) FINANCIAL SUPPORT.—During each such phase, the Secretary may, in addition to payments for counseling visits under paragraph (2), provide financial support to an eligible provider participating in the pilot program to acquire the infrastructure necessary to participate in the pilot program, including the development of clinical pathways to assure that Medicare beneficiaries have access to high-quality shared decision making, the reporting of data on quality measures selected under subsection (h)(1), and the recording of outcomes under the pilot program after phase I of the pilot program (as determined appropriate by the Secretary).

(g) PREFERENCE SENSITIVE CARE DESCRIBED.—The patient decision aids approved under section 4(b)(2)(A) shall, to the extent practicable, include patient decision aids for medical care of the following conditions:

(1) Arthritis of the hip and knee.

(2) Chronic back pain.

(3) Chest pain (stable angina).

(4) Enlarged prostate (benign prostatic hypertrophy, or BPH).

(5) Early-stage prostate cancer.

(6) Early-stage breast cancer.

(7) End-of-life care.

(8) Peripheral vascular disease.

(9) Gall stones.

(10) Threat of stroke from carotid artery disease.

(11) Any other condition the Secretary identifies as appropriate.

(h) QUALITY MEASURES.—

(1) SELECTION.—

(A) IN GENERAL.—During each phase of the pilot program, the Secretary shall measure the quality and implementation of shared decision making. For purposes of making such measurements, the Secretary shall select, from among those quality measures recommended by the expert panel under section 4(b)(2)(C), consensus-based quality measures that assess Medicare beneficiaries' knowledge of the options for medical treatment relevant to their medical condition, as well as the benefits and drawbacks of those medical treatment options, and the Medicare beneficiaries' goals and concerns regarding their medical care.

(B) RISK ADJUSTMENT.—In order to ensure accurate measurement across quality measures and eligible providers, the Secretary may risk adjust the quality measures selected under this paragraph to control for external factors, such as cognitive impairment, dementia, and literacy.

(2) REPORTING DATA ON MEASURES.—During each such phase, an eligible provider participating in the pilot program shall report to the Secretary data on quality measures selected under paragraph (1) in accordance with procedures established by the Secretary.

(3) FEEDBACK ON MEASURES.—During each such phase, the Secretary shall provide confidential reports to eligible providers participating in the pilot program on the performance of the eligible provider on quality measures selected by the Secretary under paragraph (1), the aggregate performance of all eligible providers participating in the pilot program, and any improvements in such performance.

(i) EVALUATIONS AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Secretary shall enter into a contract with an entity that has knowledge of shared decision making programs and demonstrated experience in the evaluation of such programs for the conduct of an independent evaluation of each phase of the pilot program under this section.

(2) REPORTS BY ENTITY CONDUCTING INDEPENDENT EVALUATION.—

(A) INTERIM REPORT.—Not later than 2 years after the implementation of phase I of the pilot program, the entity with a contract under paragraph (1) shall submit to the Secretary a report on the initial results of the independent evaluation conducted under such paragraph.

(B) FINAL REPORT.—Not later then 4 years after the implementation of phase II of the pilot program, such entity shall submit to the Secretary a report on the final results of such independent evaluation.

(C) CONTENTS OF REPORT.—Each report submitted under this paragraph shall—

(i) include an assessment of—

(I) quality measures selected under subsection (h)(1);

(II) Medicare beneficiary and health care provider satisfaction under the applicable phase of the pilot program;

(III) utilization of medical services for Medicare beneficiaries with 1 or more of the conditions described in subsection (g) and other Medicare beneficiaries as determined appropriate by the Secretary;

(IV) appropriate utilization of shared decision making by eligible providers under the applicable phase of the pilot program;

(V) savings to the Medicare program under title XVIII of the Social Security Act; and

(VI) the costs to eligible providers participating in the pilot program of selecting, purchasing, and incorporating approved patient decision aids and meeting reporting requirements under the applicable phase of the pilot program; and

(ii) identify the characteristics of individual eligible providers that are most effective in implementing shared decision making under the applicable phase of the pilot program.

(3) REPORT BY THE SECRETARY.—Not later than 12 months after the completion of phase II of the pilot program, the Secretary shall submit to Congress a report on the pilot program that includes—

(A) the results of the independent evaluation conducted under paragraph (2);

(B) an evaluation of the impact of the pilot program under this section, including the impact—

(i) of the use of patient decision aids approved by the expert panel established under section 4(b) for the medical care of the conditions described in subsection (g);

(ii) on expenditures for such conditions under the Medicare program, including a comparison of such expenditures for such conditions where such patient decision aids were used to such expenditures for such conditions where such patient decision aids were not used; and

(iii) on Medicare beneficiaries, including the understanding by beneficiaries of the options for medical care presented, concordance between beneficiary values and the medical care received, the mode of approved patient decision aid used (such as Internet, videos, and pamphlets), the timing of the delivery of such approved patient decision aid (such as the date of the initial diagnosis), and beneficiary and health care provider satisfaction with the shared decision making process;

(C) an evaluation of which eligible providers are most effective at implementing patient decision aids and assisting Medicare beneficiaries in making informed decisions on medical care; and

(D) recommendations for such legislation and administrative action as the Secretary determines appropriate.

(j) SAVINGS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the implementation of phase I of the pilot program, and annually thereafter for the duration of phase I and the first 2 years of phase II, the Secretary shall determine if there were any savings to the Medicare program as a result of such implementation during the preceding year (or years, if applicable). In the case where the Secretary determines there were such savings, the Secretary shall use such savings as follows:

(A) Fifty percent of such savings shall be used to provide bonus payments to eligible providers participating in the pilot program who achieve high quality shared decision making (as measured by the level of participation of Medicare beneficiaries in the shared decision making process and high scores by the eligible provider on quality measures selected under subsection (h)(1)).

(B) Twenty-five percent of such savings shall be placed in a Shared Decision Making Trust Fund established by the Secretary, which shall be used to expand participation in the pilot program to providers of services and suppliers in additional settings (as determined appropriate by the Secretary) by—

(i) providing financial assistance under subsection (c); and

(ii) providing for the development of quality measures not already selected under subsection (h)(1) to assess the impact of shared decision making on the quality of patient care or the improvement of such quality measures already selected.

(C) Twenty-five percent of such savings shall be retained by the Medicare program.

(2) RETENTION OF SAVINGS BY THE MEDICARE PROGRAM.—In the case where the Secretary determines there are savings to the Medicare program as a result of the implementation of the pilot program during a year (beginning with the third year of phase II), 100 percent of such savings shall be retained by the Medicare program.

(k) WAIVER.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act as may be necessary to carry out the pilot program under this section.

(l) FUNDING.—For purposes of carrying out section 4(a), implementing the pilot program under this section (including costs incurred in conducting the evaluation under subsection (i)), and carrying out section 1890(b)(1)(A)(iv) of the Social Security Act, as added by section 4(c), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) to the Centers for Medicare & Medicaid Services Program Management Account of $300,000,000 for the period of fiscal years 2010 through 2017.

SEC. 6. ESTABLISHMENT OF SHARED DECISION MAKING STANDARDS AND REQUIREMENTS IN MEDICARE.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''ESTABLISHMENT OF SHARED DECISION MAKING STANDARDS AND REQUIREMENTS

''SEC. 1899. (a) IN GENERAL.—Based on the findings of phases I and II of the pilot program under section 5 of the Empowering Medicare Patient Choices Act the Secretary shall promulgate regulations that—

''(1) specify for which preference sensitive conditions beneficiaries should, subject to the succeeding provisions of this section, participate in shared decision making;

''(2) require providers of services and suppliers to make sure that beneficiaries receive patient decision aids as appropriate; and

''(3) specify a process for beneficiaries to elect not to use such patient decision aids.

''(b) PENALTY FOR NOT USING SHARED DECISION MAKING.—Notwithstanding any other provision of this title, the Secretary shall promulgate such regulations and issue such guidance as may be necessary to reduce by 20 percent the amount of payment under this title that would otherwise apply to an item or service specified by the Secretary if the patient does not receive a patient decision aid prior to such item or service being furnished (except in the case where the beneficiary has elected not to use such patient decision aid under the process specified under subsection (a)(3)).

''(c) SECRETARIAL AUTHORITY TO WAIVE APPLICATION OF THIS SECTION.—The Secretary may waive the application of this section to an item or service under this title if the Secretary determines either of the following:

''(1) Medical societies and others have established evidence-based transparent standards incorporating patient decision aids and shared decision making into the standard of patient care for preference sensitive conditions.

''(2) Shared decision making is not in the best interest of beneficiaries.''.

By Mr. CASEY:

SA 1134. A bill to ensure the energy independence and economic viability of the Untied States by promoting the responsible use of coal through accelerated carbon capture and storage and through advanced clean coal technology research, development, demonstration, and deployment programs, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, I rise today to introduce the Responsible Use of Coal Act of 2009. This bill provides the Department of Energy with the funding needed to continue to accelerate both the research and development and the demonstration, and ultimately, the deployment of carbon capture and storage, CCS, technology. Further, this bill would position the U.S. as the world leader in CCS technology development and export, creating the potential for thousands of new clean energy jobs.

Climate change is one of the most complex and challenging imperatives that our Nation, and, the world, has ever faced. We need to move forward in crafting a national program that will reduce our greenhouse gas emissions, encourage the use of renewable power, and create clean energy jobs. As we move forward, we must do so in a manner that will ensure our energy security, protect our industries from ''carbon leakage,'' help get our economy back on track, and enable us to continue to benefit from our most abundant, affordable energy resource—coal.

Today coal provides over half of the Nation's electricity. While coal use for energy generation has more than tripled since 1970, emissions of sulfur dioxide, nitrogen oxide, and particulate matter from power plants have been dramatically reduced as the power industry deploys technologies for capturing these pollutants. Now, responding to health concerns about mercury, power plants are implementing technology to capture this toxic element. This illustrates how the development and deployment of advanced technology has allowed coal to continue to play such an important role in our energy strategy in the face of strict environmental requirements.

Coal helps keep American homes, businesses, factories, airports, schools and hospitals humming. Coal creates millions of good-paying jobs across all sectors of the economy—from direct and indirect mining and electric utility jobs to all those businesses and industries, large and small, which depend on affordable electricity to compete in the global marketplace. Coal-based electricity keeps people warm on freezing nights and comfortable during the hottest of summer days. Coal provides the reliable, secure electricity needed for the myriad of medical procedures to detect and treat cancer, heart disease and other health threats, saving innumerous lives every year. Electricity from coal is there when you need it.

Much of the world depends on coal, and developing economies like China and India are increasingly relying on coal to power them into the 21st Century. Coal supplies more than 40 percent of worldwide electricity demand. For China, the amount of electricity from coal is astonishing. Eighty percent of China's electricity comes from coal. Prior to the current global recession, China built one to two new coal plants every week.

But the continued use of coal in the U.S. and abroad has a significant challenge ahead of it—climate change. While we have made progress in the U.S. in dealing with climate change, we are still at the beginning of the process of piecing together a domestic program that will work for all of the different regions of this country and that will reduce our greenhouse gas emissions so that we meet our global commitment.

One of the key pieces that must be included in our domestic program to help meet the challenge of climate change is carbon capture and storage. I am sponsoring the Responsible Use of Coal Act of 2009 to supplement funding under the American Recovery and Reinvestment Act by further accelerating the Department of Energy's CCS research, development, demonstration, and deployment programs. Specifically the bill will promote the rapid commercial demonstration and early deployment of carbon capture and storage systems that will allow the Nation to continue to use its abundant, secure, and low-cost coal resources while moving forward with a national program to reduce the impact of man-made emissions on our environment.

The bill will promote the continued research and development of advanced CCS and other coal power generation technologies in order to drive down costs, increase performance, and foster innovation. It is crucial that, in parallel to the commercial demonstration of current CCS technology, we continue to develop and advance new CCS ideas and concepts through a robust research and development program in order to continue to lower the cost of complying with CO_2 regulations.

The bill will promote the export of U.S. CCS technologies to those countries, such as China and India, which also rely on coal as their dominant energy source—ensuring that the U.S. is the leader in developing and exporting clean coal technologies and taking advantage of the thousands of new clean energy jobs such an industry would create.

I am fully committed to work with my colleagues in the Senate in addressing climate change. At the same time, I believe that the Nation needs to recognize the critical role coal plays in driving our economic engine and to aggressively move forward in the research, development, demonstration, and deployment of CCS technology.

I urge all of my colleagues to join me in ensuring that the United States continues to enjoy the economic and energy security advantages that our domestic coal resources afford us while we move forward in crafting legislation

that will reduce our emissions of greenhouse gases.

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. 1134

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 ''Responsible Use of Coal Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CARBON CAPTURE AND STORAGE TECHNOLOGY.—The term ''carbon capture and storage technology'' means an advanced technology or concept that the Secretary determines to have the potential—

(A) to capture or remove—

(i) carbon dioxide that is emitted from a coal-fired power plant; and

(ii) other industrial sources;

(B) to store carbon dioxide in geological formations; and

(C) to use carbon dioxide for—

(i) enhanced oil and natural gas recovery; or

(ii) other large-volume, beneficial uses.

(2) CARBON CAPTURE TECHNOLOGY.—

(A) IN GENERAL.—The term ''carbon capture technology'' means any precombustion technology, post-combustion technology, or oxy-combustion technology or process.

(B) INCLUSION.—The term ''carbon capture technology'' includes carbon dioxide compression technology.

(3) ENHANCED OIL AND NATURAL GAS RECOVERY.—The term ''enhanced oil and natural gas recovery'' means the use of carbon dioxide to improve or enhance the recovery of oil or natural gas from a depleted oil or natural gas field.

(4) PRECOMBUSTION TECHNOLOGY.—The term ''precombustion technology'' means a coal or coal-biomass gasification or integrated gasification combined-cycle process coupled with carbon dioxide storage or reuse.

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

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote the continued responsible use of the abundant, secure, and low-cost coal resources of the United States through the research, development, demonstration, and deployment of—

(A) carbon capture and storage technologies; and

(B) advanced coal power generation technologies;

(2) to promote the exportation of the carbon capture and storage technologies and advanced coal power generation technologies developed by the United States to countries that rely on coal as the dominant energy source of the countries (including China and India); and

(3) to support the deployment of carbon capture and storage technologies by—

(A) quantifying the risks of the technologies; and

(B) helping to establish the most appropriate framework for managing liabilities associated with all phases of carbon capture and storage technology projects, including—

(i) the capture and transportation of carbon dioxide; and

(ii) the siting, design, operation, closure, and long-term stewardship of carbon dioxide storage facilities.

SEC. 4. PROGRAMS.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, in accordance with paragraph (2) and subsection (b), the Secretary, acting through the Director of the National Energy Technology Laboratory, shall carry out a research, development, and demonstration program through the National Energy Technology Laboratory to further advance carbon capture and storage and coal power generation technologies.

(2) REQUIRED PROGRAMS.—The program described in paragraph (1) shall include each program described in paragraphs (3) through (6).

(3) COMMERCIAL DEMONSTRATION PROGRAM.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Director of the National Energy Technology Laboratory, shall carry out a large-scale commercial demonstration program to evaluate the most promising carbon capture and storage technologies.

(4) RESEARCH AND DEVELOPMENT PROGRAM REGARDING CARBON CAPTURE TECHNOLOGIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out a research and development program under which the Secretary shall evaluate carbon capture technologies to decrease the cost, and increase the performance, of carbon capture technologies.

(5) RESEARCH AND DEVELOPMENT PROGRAM REGARDING CARBON DIOXIDE STORAGE.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out a research and development program under which the Secretary shall evaluate options for carbon dioxide storage in geological formations—

(A) for enhanced oil and natural gas recovery; and

(B) to decrease the cost, and increase the performance, of carbon capture and storage technologies in existence as of the date of enactment of this Act.

(6) RESEARCH AND DEVELOPMENT PROGRAM REGARDING ADVANCED CLEAN COAL POWER GENERATION TECHNOLOGIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out a research and development program under which the Secretary shall evaluate advanced clean coal power generation technologies to make practicable—

(A) the capture and storage of carbon dioxide; and

(B) highly efficient power generation (including advanced turbines, fuel cells, hydrogen production, and advanced gasification).

(b) COST-SHARING REQUIREMENTS.—

(1) COMMERCIAL DEMONSTRATION PROGRAM.—The Federal share of the cost of any competitively procured project carried out using funds provided under the commercial demonstration program described in subsection (a)(3) shall be not more than 50 percent.

(2) OTHER PROGRAMS.—The Federal share of the cost of any competitively procured project carried out using funds provided under a program described in paragraph (4), (5), or (6) of subsection (a) shall be not more than 80 percent.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) to carry out the commercial demonstration program under section 4(a)(3)—

(A) $300,000,000 for fiscal year 2010;

(B) $350,000,000 for fiscal year 2011;

(C) $400,000,000 for fiscal year 2012; and

(D) $400,000,000 for fiscal year 2013;

(2) to carry out the research and development program under section 4(a)(4)—

(A) $80,000,000 for fiscal year 2010;

(B) $100,000,000 for fiscal year 2011;

(C) $120,000,000 for fiscal year 2012; and

(D) $120,000,000 for fiscal year 2013;

(3) to carry out the research and development program under section 4(a)(5)—

(A) $170,000,000 for fiscal year 2010;

(B) $200,000,000 for fiscal year 2011;

(C) $225,000,000 for fiscal year 2012; and

(D) $225,000,000 for fiscal year 2013; and

(4) to carry out the research and development program under section 4(a)(6)—

(A) $250,000,000 for fiscal year 2010;

(B) $270,000,000 for fiscal year 2011;

(C) $300,000,000 for fiscal year 2012; and

(D) $300,000,000 for fiscal year 2013.

By Ms. STABENOW (for herself, Mr. BROWNBACK, Mr. DURBIN, Mr. VOINOVICH, Mr. LEVIN, Mr. BROWN, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 1135. A bill to establish a voluntary program in the National Highway Traffic Safety Administration to encourage consumers to trade-in older vehicles for more fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. 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. 1135

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 ''Drive America Forward Act of 2009''.

SEC. 2. DRIVE AMERICA FORWARD PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the ''Drive America Forward Program'' through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) certify dealers for participation in the Program—

(A) to accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for vouchers accepted by such dealers, in accordance with the regulations issued under subsection (d);

(4) in consultation with the Secretary of the Treasury, provide for the payment of rebates to persons who qualify for a rebate under subsection (c)(3); and

(5) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only for the purchase or qualifying lease of new fuel efficient automobiles that occur between—

(i) March 30, 2009; and

(ii) the day that is 1 year after the date on which the regulations promulgated under subsection (d) are implemented.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the vehicle (including the engine and drive train), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who dismantles or disposes of the vehicle from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless the engine or drive train has been crushed or shredded); or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

(3) ELIGIBLE PURCHASES OR LEASES PRIOR TO DATE OF ENACTMENT.—A person who purchased or leased a new fuel efficient vehicle after March 30, 2009, and before the date of the enactment of this Act is eligible for a cash rebate equivalent to the amount described in subsection (b)(1) if the person provides proof satisfactory to the Secretary that—

(A)(i) the person was the registered owner of an eligible trade-in vehicle; or

(ii) if the person leased the vehicle, the lease was a qualifying lease; and

(B) the vehicle has been disposed of in accordance with clauses (i) and (ii) of paragraph (2)(A).

(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of certifying dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for both the amount of the vouchers and any reasonable administrative costs incurred by the dealer as soon as practicable but no longer than 10 days after the submission of a voucher for the new fuel efficient automobile to the Secretary;

(3) allow the dealer to use the voucher in addition to any other rebate or discount offered by the dealer or the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) establish a process by which persons who qualify for a rebate under subsection (c)(3) may apply for such rebate;

(6) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(C) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal;

(7) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures; and

(8) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to knowingly violate any provision under this section or any regulations issued pursuant to subsection (d).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation.

(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(1) how to determine if a vehicle is an eligible trade-in vehicle;

(2) how to participate in the Program, including how to determine participating dealers; and

(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

(g) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) EXCLUSION OF VOUCHERS AND REBATES FROM INCOME.—

(1) FOR PURPOSES OF ALL FEDERAL PROGRAMS.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher or rebate and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher or rebate (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program.

(2) FOR PURPOSES OF TAXATION.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this section—

(1) the term ''passenger automobile'' means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

(2) the term ''category 1 truck'' means a nonpassenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

(3) the term ''category 2 truck'' means a nonpassenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that is a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008'';

(4) the term ''category 3 truck'' means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term ''combined fuel economy value'' means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words ''Estimated New EPA MPG'' and above the word ''Combined'' for vehicles of model year 1984 through 2007, or posted under the words ''New EPA MPG'' and above the word ''Combined'' for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle;

(6) the term ''dealer'' means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

(7) the term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;

(C) was manufactured less than 25 years before the date of the trade-in; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

(8) the term ''new fuel efficient automobile'' means an automobile described in paragraph (1), (2), (3), or (4)—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of $45,000 or less;

(C) that—

(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811–04 of title 40, Code of Federal Regulations; or

(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816–08, 86.007–11, or 86.008–10 of title 40, Code of Federal Regulations; and

(D) that has the combined fuel economy value of—

(i) 22 miles per gallon for a passenger automobile;

(ii) 18 miles per gallon for a category 1 truck; or

(iii) 15 miles per gallon for a category 2 truck;

(9) the term ''Program'' means the Drive America Forward Program established by this section;

(10) the term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years;

(11) the term ''scrappage value'' means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying the vehicle;

(12) the term ''Secretary'' means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

(13) the term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale; and

(14) the term ''vehicle identification number'' means the 17-character number used by the automobile industry to identify individual automobiles.

SEC. 3. REALLOCATION OF APPROPRIATIONS.

From the amounts appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Director of the Office of Management and Budget may allocate such sums as the Director determines to be necessary to carry out the Drive America Forward Program established under this Act.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. LINCOLN, Mr. SANDERS, and Mr. DODD):

S. 1137. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I am today introducing the Teachers at the Table Act of 2009. This bill is the Senate companion to legislation introduced in the House of Representatives by Representative Carolyn McCarthy of New York and Representative LEE Terry of Nebraska and would create a Volunteer Teacher Advisory Committee to advise Congress and the Department of Education on the impact of the Elementary and Secondary Education Act, ESEA, also known as No Child Left Behind, NCLB, on students, their families, and the classroom learning environment. The teachers serving on this committee would be chosen from past or present State or national Teachers of the Year and would be competitively selected by the Secretary of Education and the majority and minority leaders of both the Senate and the House of Representatives.

Every year I travel to each of Wisconsin's 72 counties to hold a listening session to listen to Wisconsinites' concerns and answer their questions. Since NCLB was enacted in early 2002, education has rated as one of the top issues brought up at these listening sessions. I have received feedback from constituents about the noble intentions of NCLB, but I have also heard about the multitude of implementation problems with the law's provisions. The feedback from teachers, parents, school administrators, and school board members has been invaluable over the past 7 years and has guided many of my education policymaking decisions.

As Congress seeks to undertake the reauthorization of ESEA this year, it is my hope that this legislation can be part of the reauthorization. Feedback

from good teachers is absolutely vital to understanding how federal education policy is impacting classroom instruction around the country. This legislation seeks to help ensure that continuous feedback is provided to Congress about how the reauthorized ESEA is impacting student achievement and closing the persistent achievement gap that exists in our Nation.

The Teachers at the Table bill I am introducing today seeks to help ensure that Congress and the Department of Education receive high-quality yearly feedback on how ESEA/NCLB is impacting classroom learning around the country. The teachers who will serve on this committee represent some of the best that teaching has to offer. The bill would create a committee of 20 teachers, with 4 selected by the Secretary of Education and 4 selected by each of the majority and minority leaders in the Senate and House of Representatives. These teachers would serve 2-year terms on the advisory committee and would work to prepare annual reports to Congress as well as quarterly updates on the law's implementation.

Every State and every school district is different and this legislation ensures that the teacher advisory committee will represent a wide range of viewpoints. The bill specifies that the volunteer teacher advisory committee should include teachers from diverse geographic areas, teachers who teach different grade levels, and teachers from a variety of specialty areas. Creating a diverse committee will help ensure that the committee presents a broad range of viewpoints on ESEA/NCLB to Congress and the Department of Education.

Much work needs to be done this year to reform many of the mandates of ESEA/NCLB and I look forward to working with my colleagues during the reauthorization to make those necessary changes. One thing is certain whatever form the reauthorized ESEA takes, there will be a need for consistent feedback from a diverse range of viewpoints.

We need to ensure that the voices of students, educators, parents, and administrators, who are on the frontlines of education reform in our country, are heard during the reauthorization of ESEA and going forward during the reauthorized law's implementation in years to come. This bill seeks to help address that need by enlisting the service of some of America's best teachers in providing information to Federal education policymakers. The advisory committee created by this legislation will provide nationwide feedback and will allow Congress to hear about ESEA/NCLB directly from those who deal with the law and its consequences on a daily basis.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1138. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce the Bay Area Regional Water Recycling Program Expansion Act of 2009, which will reduce demand for limited fresh water supplies by providing recycled water to 6 communities across the Bay Area.

It will make 6 additional Bay Area recycled water projects eligible for a 25 percent Federal cost-share, and expand the authorizations for two more, totaling $38,075,000. The activities authorized by the new legislation include installing new piping, storage tanks, and pump stations to convey the recycled water to a number of cities across the Bay Area.

These projects collectively will save 2.6 billion gallons per year of regional water supply by providing a new water supply of clean treated wastewater for irrigation and industrial use. It will free up the amount needed to supply 24,225 households in the growing Bay Area region. And to the regional agencies, over 3,500 local green jobs will be supported by this legislation.

The adoption of water recycling technology is an invaluable conservation method which will result in 8,000 acre-feet of new and reliable water which will reduce demand on fresh water from the Delta.

California is facing phenomenal water supply challenges that are affecting our economy, our communities and our environment.

California's water infrastructure is woefully out of date. Drought, population growth, climate variability, ecosystem needs and a broken Delta are making it even more difficult to manage our water system and deliver reliable supplies.

And unless we take action to address climate change, we could lose a significant portion of the Sierra snowpack, which stores water for 2/3 of California, by 2100.

Increasing the capability for and use of recycled water will help address California's cycles of drought and reduce dependence on water from the troubled Bay-Delta ecosystem.

Water recycling projects are already under way in several local Bay Area communities, and have qualified for Federal funding under the Bay Area Regional Water Recycling Program. This program allows local water managers to treat wastewater and use the clean, recycled water for landscape irrigation and other uses, including at golf courses, schools, city parks and other municipal facilities. Under the new legislation, the six additional Bay Area communities would be allowed to work with the Federal Bureau of Reclamation to use water supplies more efficiently.

With the increasing strain on Bay-Delta and other natural resources, it is vital that we look to adopt innovative water recycling technologies which sustain permanent clean water supplies and support existing water resources and local economies.

Nine Bay Area congressional representatives in the House put this regional approach together, and I'd like to recognize and thank them for their leadership: GEORGE MILLER, D-Martinez, Pete Stark, D-Fremont, ELLEN TAUSCHER, D-Concord, ANNA ESHOO, D-Palo Alto, MIKE HONDA, D-San Jose, LYNN WOOLSEY, D-Petaluma, JERRY MCNERNEY, D-Pleasanton, ZOE LOFGREN, D-San Jose and JACKIE SPEIER, D-San Mateo, worked together to address the Bay Area's water needs.

This bill reflects a federal-local partnership and will provide communities in the San Francisco Bay Area with reliable and sustainable water supplies, and be a benchmark for other major American cities.

Declining water supplies affects people from all across the United States. Now is the time to invest in new water technologies, such as water recycling, to meet increasing needs. Wastewater recycling is an important part of a multifaceted water supply strategy that also includes surface and groundwater storage, improved conveyance, conservation, and desalination.

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. 1138

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 ''Bay Area Regional Water Recycling Program Expansion Act of 2009''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

''SEC. 1649. CCCSD-CONCORD RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,800,000.

''SEC. 1650. CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,150,000.

''SEC. 1651. PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000.

''SEC. 1652. CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000.

''SEC. 1653. PALO ALTO RECYCLED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.

''SEC. 1654. IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.''.

(b) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act, and sections 1649 through 1654 of such Act, as added by subsection (a), the Secretary shall enter into individual agreements with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by inserting after the item relating to section 1648 the following new items:

''Sec. 1649. CCCSD-Concord recycled water project.
''Sec. 1650. Central Dublin recycled water distribution and retrofit project.
''Sec. 1651. Petaluma recycled water project, phases 2a, 2b, and 3.
''Sec. 1652. Central Redwood City recycled water project.
''Sec. 1653. Palo Alto recycled water pipeline project.
''Sec. 1654. Ironhouse Sanitary District (ISD) Antioch recycled water project.''.

SEC. 3. MODIFICATION TO AUTHORIZED PROJECTS.

(a) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$2,250,000'' and inserting ''$3,125,000''.

(b) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$8,250,000'' and inserting ''$13,250,000''.

By Mr. WYDEN:

S. 1139. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce two bills that will provide two important communities in rural Oregon with the means to promote their cultural history and their economic development opportunities, S. 1139 and S. 1140.

Like anywhere in America, the leaders in rural communities in my state are working every day to build the best place they can. And in many rural communities in my state, that means not much happens without the Federal Government involved. Like many places in the Western United States, the Federal Government owns much of the land surrounding these small communities. To be sure, many of these lands are treasures; they are the source of a vibrant tourism economy; an attraction for individuals and businesses to move to the region; and the daily outlet for the people lucky enough to live there.

By the same token, this high percentage of Federal land ownership sometimes limits the ability of local governments and civic leaders to solve problems and serve the public. The Federal Government can and should be an active partner in advancing communities and improving a region's quality of life.

So today I am introducing legislation that demonstrates the possibilities that can come from a quality Federal Government partnership with a proactive, innovative community that faces challenging economic conditions and a dominant pattern of Federal land ownership.

My first bill, the La Pine Land Conveyance Act, would convey two parcels of property to Deschutes County, Oregon. The bill directs the transfer of Bureau of Land Management BLM, lands to Deschutes County, that will enable the small town of La Pine to develop rodeo and equestrian facilities, public parks, and other recreation facilities.

La Pine has a set of unique challenges well known to the people of Deschutes County. The town recently incorporated, and with incorporation has come a feeling in the community that good things can happen if they work together to make their town as good as it can possibly be.

My bill proposes the transfer of 320 acres of BLM land contiguous to the La Pine city limit, on its western boundary. Ownership of this location will enable construction of public equestrian and rodeo facilities that have become increasingly important in La Pine. The property is within reasonable walking distance of downtown, creating an ideal parade route for the annual 4th of July Frontier Days parade. In addition, the land will provide a location for development of ball fields, parks, and recreation facilities, which can be developed as the town grows and budgets allow.

The La Pine Rodeo and Frontier Days events are currently facing the last year they can hold their events on the currently utilized location because that private property is being developed for other uses. So looking towards the Federal Government, who controls the vast majority of land in the La Pine area, to find a solution provides the right kind of partnership between the federal and local government.

My bill also directs the transfer of approximately 750 acres of BLM lands to Deschutes County for the purpose of expanding the town's wastewater treatment operation.

More than two years ago my office participated in discussions between the La Pine community leaders and the BLM concerning the La Pine community's need for land to serve public purposes. Due to staffing limitations, BLM asked the City to choose one top priority for a land transfer under the Recreation and Public Purposes Act. The La Pine City Council responded immediately that its top priority was

the acquisition of land to enable expansion of their sewer district.

To date, the land has not been transferred, which make this small community unable to be competitive for state and federal economic stimulus funds.

This project is too important to let languish. Perhaps the most important issue affecting water quality in Deschutes County involves the threat to groundwater and the Deschutes River from household septic systems in southern Deschutes County, the region around La Pine. This project directly reduces nitrate loading into south county groundwater in two ways. First, by enabling expansion of the District service boundary to residential areas where septic systems are generating elevated groundwater nitrate levels; and second, by closing the current location for spreading treated effluent, over a relatively high groundwater area, to this new location which is judged not to threaten groundwater. That is why I am introducing legislation today to make sure this transfer moves forward.

My second bill, the Wallowa Forest Service Compound Conveyance Act would convey an old Forest Service Ranger Station compound to the City of Wallowa, Oregon. In Wallowa County, this Forest Service compound was built by the Civilian Conservation Corps in the 1930's. For many years it was the center of town and this site continues to represent the natural and cultural history of one of eastern Oregon's most beautiful communities. The City of Wallowa, along with County Commissioners, the local arts organizations, and a broad group of community leaders intend to restore this important example of Pacific Northwest rustic architecture and tribute to bygone times, making a valuable community interpretive center at this site. The conveyance of this property will allow the community to move forward with this project. The community is currently working to list the Ranger Station on the National Register of Historic Places, and ownership by the City will allow this coalition to restore the buildings and again develop a vibrant community center. Oregon Public Broadcasting aired a segment depicting an early 20th century railroad logging community—a significant part of the rich and diverse history and traditions that will be preserved and celebrated as this Forest Service Compound is developed as an interpretive center.

I want to express my thanks to all the citizens and community leaders that have worked to build their communities and develop these projects. They represent the pioneering spirit and vision that defines my State.

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. 1139

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 ''Wallowa Forest Service Compound Conveyance Act''.

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the Wallowa Ranger Station that is—

(A) located at 602 West First Street, Wallowa, Oregon; and

(B) under the jurisdiction of the Secretary.

(b) DUTY OF SECRETARY.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed, all right, title, and interest of the United States, except as provided in subsections (c) and (d), in and to the Wallowa Forest Service Compound.

(c) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as an interpretive center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity; and

(3) agree to manage the Wallowa Forest Service Compound—

(A) with due consideration and protection for the historic values of the Wallowa Forest Service Compound; and

(B) in accordance with such terms and conditions as are agreed to by the Secretary and the City.

(d) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if the Wallowa Forest Service Compound is—

(1) used for a purpose other than the purposes described in subsection (c)(1); or

(2) managed by the City in a manner that is inconsistent with subsection(c)(3).

By Mr. WYDEN:

S. 1140. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. 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. 1140

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 ''La Pine Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means the County of Deschutes, Oregon.

(2) MAP.—The term ''map'' means the map entitled ''La Pine Proposed Land Transfer Proposal'' and dated May [____], 2009.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCE OF LAND TO THE COUNTY OF DESCHUTES, OREGON.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of—

(1) approximately 320 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel A''; and

(2) approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel B''.

(c) MAP ON FILE.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used as a rodeo ground, public sewer system, or other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(2) LIMITATIONS.—The land conveyed under subsection (a)—

(A) shall not be used for residential or commercial purposes; and

(B) shall be used consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyance as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land under subsection (a).

(f) REVERSION.—

(1) IN GENERAL.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

(2) RESPONSIBILITY OF DISTRICT.—If the Secretary determines under paragraph (1) that the land should revert to the United States and that the land is contaminated with hazardous waste, the County shall be responsible for remediation of the contamination.

By Mrs. FEINSTEIN (for herself and Mr. BOND):

S. 1141. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator BOND to introduce the Tariff Relief Assistance for Developing Economies Act of 2009 to help some of the world's poorest countries sustain vital export industries and promote economic growth and political stability.

I worked with former senator Gordon Smith on this bill in the past and I am proud to move it forward in the 111th Congress.

This legislation will provide duty free and quota free benefits for garments and other products similar to those afforded to beneficiary countries under the Africa Growth and Opportunity Act, AGOA.

The countries covered by this legislation are the 14 Least Developed Countries, LDCs, as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program: Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Laos, Maldives, Nepal, Samoa, Solomon Islands, East Timor, Tuvalu, Vanuatu, and Yemen.

The bill also includes Sri Lanka as an eligible country.

To be eligible for the benefits provided under our bill, a country must demonstrate that it is making continual progress toward establishing rule of law, political pluralism, the right to due process, and a market-based economy that protects private property rights. Our legislation would help promote democracy while sustaining vital export industries and creating employment opportunities.

The beneficiary countries of this legislation are among the poorest countries in the world.

Nepal has per capita income of $240. Unemployment in Bangladesh stands at 40 percent. Approximately 36 percent of Cambodia's population lives below the poverty line.

Each country faces critical challenges in the years ahead including poor health care, insufficient educational opportunities, high HIV/AIDS rates, and the effects of war and civil strife.

The U.S. must take a leadership role in providing much needed assistance to the people of these countries.

Yet humanitarian and development assistance should not be the sum total of our efforts to put these countries on the road to economic prosperity and political stability.

Indeed, the key for sustained growth and rising standards of living will be the ability of each of these countries to create vital export industries to compete in a free and open global marketplace.

We should help these countries help themselves by opening the U.S. market to their exports.

Success in that endeavor will ultimately allow these countries to become less dependent on foreign aid and allow the U.S. to provide assistance to countries in greater need.

The garment industry is a key part of the manufacturing sector in some of these countries.

In Nepal, the garment industry is entirely export oriented and accounts for 40 percent of foreign exchange earnings. It employs over 100,000 workers—half of them women—and sustains the livelihood of over 350,000 people.

The United States is the largest market for Nepalese garments and accounts for 80–90 percent of Nepal's total exports every year.

In Cambodia, approximately 250,000 Cambodians work in the garment industry supporting approximately one million dependents. The garment industry accounts for more than 90 percent of Cambodia's export earnings.

In Bangladesh, the garment industry accounts for 75 percent of export earnings. The industry employs 1.8 million people, 90 percent of whom are women, and sustains the livelihoods of 10 to 15 million people.

Despite the poverty seen in these countries and the importance of the garment industry and the U.S. market, they face some of the highest U.S. tariffs in the world, averaging over 15 percent. In contrast, countries like Japan and our European partners face tariffs that are nearly zero.

Surely we can do better. This legislation will help these countries compete in the U.S. market and let their citizens know that Americans are committed to helping them realize a better future for themselves and their families.

Doing so is consistent with U.S. goals to combat poverty, instability, and terrorism in a critical part of the world. We should not forget that of the approximately 265 million people that live in the TRADE Act countries, almost 200 million are Muslim.

The impact on U.S. jobs will be minimal. Currently, the beneficiary countries under this legislation account for only 4 percent of U.S. textile and apparel imports, compared to 24 percent for China, and 72 percent for the rest of the world.

These countries will continue to be small players in the U.S. market, but the benefits of this legislation will have a major impact on their export economies.

At a time when we are trying to rebuild the image of the U.S. around the world, we need legislation such as this to show the best of America and American values. It will provide a vital component to our development strategy and add another tool to the war on terror. I urge my colleagues to support this bill.

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. 1141

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 ''Tariff Relief Assistance for Developing Economies Act of 2009'' or the ''TRADE Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is in the mutual interest of the United States and least-developed countries to promote stable and sustainable economic growth and development.

(2) Trade and investment are powerful economic tools and can be used to reduce poverty and raise the standard of living in a country.

(3) A country that is open to trade may increase its economic growth.

(4) Trade and investment often lead to employment opportunities and often help alleviate poverty.

(5) Least-developed countries have a particular challenge in meeting the economic requirements and competitiveness of globalization and international markets.

(6) The United States has recognized the benefits that international trade provides to least-developed countries by enacting the Generalized System of Preferences and trade benefits for developing countries in the Caribbean, Andean, and sub-Saharan African regions of the world.

(7) Enhanced trade with least-developed Muslim countries, including Yemen, Afghanistan, and Bangladesh, is consistent with other United States objectives of encouraging a strong private sector and individual economic empowerment in those countries.

(8) Offering least-developed countries enhanced trade preferences will encourage both higher levels of trade and direct investment in support of positive economic and political developments throughout the world.

(9) Encouraging the reciprocal reduction of trade and investment barriers will enhance the benefits of trade and investment as well as enhance commercial and political ties between the United States and the countries designated for benefits under this Act.

(10) Economic opportunity and engagement in the global trading system together with support for democratic institutions and a respect for human rights are mutually reinforcing objectives and key elements of a policy to confront and defeat global terrorism.

SEC. 3. DEFINITIONS.

In this Act:

(1) BENEFICIARY TRADE ACT OF 2009 COUNTRY.—The term ''beneficiary TRADE Act of 2009 country'' means a TRADE Act of 2009 country that the President has determined is eligible for preferential treatment under section 5.

(2) FORMER TRADE ACT OF 2009 BENEFICIARY COUNTRY.—The term ''former TRADE Act of 2009 beneficiary country'' means a country that, after being designated as a beneficiary TRADE Act of 2009 country under this Act, ceased to be designated as such a country by reason of its entering into a free trade agreement with the United States.

(3) TRADE ACT OF 2009 COUNTRY.—The term ''TRADE Act of 2009 country'' means a country listed in subsection (b) or (c) of section 4.

SEC. 4. AUTHORITY TO DESIGNATE; ELIGIBILITY REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a TRADE Act of 2009 country as a beneficiary TRADE Act of 2009 country eligible for benefits described in section 5—

(A) if the President determines that the country meets the requirements set forth in section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703); and

(B) subject to the authority granted to the President under subsections (a), (d), and (e) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462 (a), (d), and (e)), if the country otherwise meets the eligibility criteria set forth in such section 502.

(2) APPLICATION OF SECTION 104.—Section 104 of the African Growth and Opportunity Act shall be applied for purposes of paragraph (1) by substituting ''TRADE Act of 2009 country'' for ''sub-Saharan African country'' each place it appears.

(b) COUNTRIES ELIGIBLE FOR DESIGNATION.—For purposes of this Act, the term ''TRADE Act of 2009 country'' refers to the following or their successor political entities:

(1) Afghanistan.
(2) Bangladesh.
(3) Bhutan.
(4) Cambodia.
(5) Kiribati.
(6) Lao People's Democratic Republic.
(7) Maldives.
(8) Nepal.
(9) Samoa.
(10) Solomon Islands.
(11) Timor-Leste (East Timor).
(12) Tuvalu.
(13) Vanuatu.
(14) Yemen.

(c) SRI LANKA ECONOMIC EMERGENCY SUPPORT.—For purposes of this Act, the President may also designate Sri Lanka as beneficiary TRADE Act of 2009 country eligible for benefits described in section 5.

SEC. 5. TRADE ENHANCEMENT.

The preferential treatment described in this section includes the following:

(1) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

(A) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1) (B) through (G) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1) (B) through (G)) that is the growth, product, or manufacture of a beneficiary TRADE Act of 2009 country, if, after receiving the advice of the International Trade Commission in accordance with section 503(e) of the Trade Act of 1974 (19 U.S.C. 2463(e)), the President determines that such article is not import-sensitive in the context of imports from beneficiary TRADE Act of 2009 countries.

(B) RULES OF ORIGIN.—The duty-free treatment provided under subparagraph (A) shall apply to any article described in that subparagraph that meets the requirements of section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)), except that—

(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)); and

(ii) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries shall be applied in determining such percentage.

(2) TEXTILE AND APPAREL ARTICLES.—

(A) IN GENERAL.—The preferential treatment relating to textile and apparel articles described in section 112 (a) and (b) (1) and (2) of the African Growth and Opportunity Act (19 U.S.C. 3721 (a) and (b) (1) and (2)) shall apply to textile and apparel articles imported directly into the customs territory of the United States from a beneficiary TRADE Act of 2009 country and such section shall be applied for purposes of this subparagraph by substituting ''beneficiary TRADE Act of 2009 country'' and ''beneficiary TRADE Act of 2009 countries'' for ''beneficiary sub-Saharan African country'' and ''beneficiary sub-Saharan African countries'', respectively, each place such terms appear.

(B) APPAREL ARTICLES ASSEMBLED FROM REGIONAL AND OTHER FABRIC.—In applying such section 112, apparel articles wholly assembled in one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries, or both, from fabric wholly formed in one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries, or both, from yarn originating either in the United States or one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States, in one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries, or any combination thereof), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in section 112(b) (1) or (2) of the African Growth and Opportunity Act (19 U.S.C. 3721(b) (1) and (2)) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in such section 112(b) (1) or (2)) subject to the following:

(i) LIMITATIONS ON BENEFITS.—

(I) IN GENERAL.—Preferential treatment under this subparagraph shall be extended in the 1-year period beginning January 1, 2009, and in each of the succeeding 10 1-year periods, to imports of apparel articles described in this subparagraph in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the most recent 12-month period for which data are available.

(II) APPLICABLE PERCENTAGE.—For purposes of this clause, the term ''applicable percentage'' means 11 percent for the 1-year period beginning January 1, 2009, increased in each of the 10 succeeding 1-year period by equal increments, so that for the period beginning January 1, 2019, the applicable percentage does not exceed 14 percent.

(ii) SPECIAL RULE.—

(I) IN GENERAL.—Subject to clause (i), preferential treatment described in this subparagraph shall be extended through December 31, 2016, for apparel articles wholly assembled in one or more beneficiary TRADE Act of 2009 countries or former beneficiary TRADE Act of 2009 countries, or both, regardless of the country of origin of the yarn or fabric used to make such articles.

(II) COUNTRY LIMITATIONS.—

(aa) SMALL SUPPLIERS.—If, during the preceding 1-year period beginning on January 1 for which data are available, imports from a beneficiary TRADE Act of 2009 country are less than 1 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during such period, such imports may increase to an amount that is equal to not more than 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during such period.

(bb) OTHER SUPPLIERS.—If during the preceding 1-year period beginning on January 1 for which data are available, imports from a beneficiary TRADE Act of 2009 country are at least 1 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during such period, such imports may increase, during each subsequent 12-month period, by an amount that is equal to not more than one-third of 1 percent of the aggregate square meter equivalents of all apparel articles imported into the United States.

(cc) AGGREGATE COUNTRY LIMIT.—In no case may the aggregate quantity of textile and apparel articles imported into the United States under this subparagraph exceed the applicable percentage set forth in clause (i).

(C) TECHNICAL AMENDMENT.—Section 6002(a)(2)(B) of the Africa Investment Incentive Act of 2006 (Public Law 109–432) is amended by inserting before ''by striking'' the following: ''in paragraph (3),''.

(D) OTHER RESTRICTIONS.—The provisions of section 112 (b) (3)(B), (4), (5), (6), (7), and (8), and (e), and section 113 of the African Growth and Opportunity Act (19 U.S.C. 3721 (b) (3)(B), (4), (5), (6), (7), and (8), and (e), and 3722) shall apply with respect to the preferential treatment extended under this Act to a beneficiary TRADE Act of 2009 country by substituting ''beneficiary TRADE Act of 2009 country'' for ''beneficiary sub-Saharan African country'' and ''beneficiary TRADE Act of 2009 countries'' and ''former beneficiary TRADE Act of 2009 countries'' for ''beneficiary sub-Saharan African countries'' and ''former sub-Saharan African countries'', respectively, wherever appropriate.

SEC. 6. REPORTING REQUIREMENT.

The President shall monitor, review, and report to Congress, not later than 1 year after the date of the enactment of this Act, and annually thereafter, on the implementation of this Act and on the trade and investment policy of the United States with respect to the TRADE Act of 2009 countries.

SEC. 7. TERMINATION OF PREFERENTIAL TREATMENT.

No duty-free treatment or other preferential treatment extended to a beneficiary TRADE Act of 2009 country under this Act shall remain in effect after December 31, 2019.

SEC. 8. EFFECTIVE DATE.

The provisions of this Act shall take effect on January 1, 2009.

By Mr. REED (for himself and Ms. MIKULSKI):

S. 1142. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to inclusion of effectiveness information in drug and device labeling and advertising; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Informed Health Care Decision Making Act of 2009. I am introducing this legislation along with my colleague Senator MIKULSKI because every American deserves to have the full information regarding drugs and devices prescribed by their provider.

Even though the amount of money spent to reach the public about drugs and devices is greater than five billion dollars annually, the most fundamental information—information about how well the drug or device actually works—is generally absent. In 2007, the Institute of Medicine conducted a workshop regarding the public's understanding of drugs and confirmed the importance for patients and physicians of having standardized and quantitative information about the product before making health care decisions.

Researchers at Dartmouth University have documented that replacing the current narrative information contained in drug advertisements with simplified, factual information, will enable patients to play an active role in health care decision making. In fact, similar to the nutrition facts boxes that are required on our Nation's packaged food supply, this research demonstrated that a drug facts box will actually help physicians make better health care choices.

If the research is not enough proof that this type of streamlined information will be beneficial, the Food and

Drug Administration's, FDA, Risk Communications Advisory Committee, a committee specifically designed to counsel the agency on how to strengthen the communication of risks and benefits of FDA-regulated products to the public, unanimously recommended that the FDA adopt standardized, quantitative summaries of risks and benefits in a drug facts box format.

As such, the Informed Health Care Decision Making Act of 2009 would require the FDA to determine if the information provided in a drug facts box, or a similar format, would improve health care decision making by clinicians and patients, and report to Congress on that determination. If the report determines that a specific standardized, quantitative format would be beneficial, the FDA must issue regulations to implement the format.

Regardless of the FDA's determination, it is important for clinicians and patients to be able to compare the similarities, differences, benefits, and risks of drugs and devices. As such, the legislation would require the Agency for Healthcare Research and Quality to establish a multi-stakeholder process for developing and periodically updating methodological standards and criteria for comparative clinical effectiveness research. This would include standards and criteria for the sources of evidence and the adequacy of evidence that are appropriate for the inclusion of comparative clinical effectiveness information in labeling and print advertisements.

Upon completion of these standards, the legislation requires drug labels and print advertisements to include information on the clinical effectiveness of a product—compared to other products approved for the same health condition for the same patient demographic subpopulation—or a disclosure that there is no such information, if another product has not been approved for the same use. The potential of such a disclosure should be a powerful incentive for manufacturers to fund comparative effectiveness research.

It is my hope that as we embark upon meaningful health care reform, my colleagues will join me in supporting this bill and other initiatives to improve the health care decision making of both patients and clinicians.

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. 1142

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 ''Informed Health Care Decision Making Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) National randomized controlled trials have found that replacing the brief summary of drug advertisements with a drug facts box improved consumer knowledge and judgments. In such trials, consumers who were presented with a drug facts box more accurately perceived the side effects and benefits of a drug, and were more than twice as likely to choose the superior drug.

(2)(A) In 2007, the Institute of Medicine conducted a workshop that highlighted that the public has a limited understanding of the benefits and risks of drugs. The workshop also highlighted that it is important to—

(i) provide patients and physicians with the best possible information for making informed decisions about the use of pharmaceuticals;

(ii) employ quantitative and standardized approaches when trying to evaluate pharmaceutical benefit-risk; and

(iii) develop and validate improved tools for communicating pharmaceutical benefit-risk information to patients and physicians.

(B) The general agreement of the workshop was that the Food and Drug Administration should pilot test a drug facts box.

(3) On February 27, 2009, the Food and Drug Administration's Risk Communication Advisory Committee made the following unanimous recommendations:

(A) The Food and Drug Administration should adopt a single standard document for communicating essential information about pharmaceuticals.

(B) That standard document should include quantitative summaries of risks and benefits, along with use and precaution information.

(C) The Food and Drug Administration should adopt the drug facts box format as its standard.

SEC. 3. PRESENTATION OF DRUG BENEFIT AND RISK INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), acting through the Commissioner of Food and Drugs, shall determine whether standardized, quantitative summaries of the benefits and risks of drugs in a tabular or drug facts box format, or any alternative format, in the labeling and print advertising of such drugs would improve health care decision making by clinicians and patients and consumers.

(b) REVIEW AND CONSULTATION.—In making the determination under subsection (a), the Secretary shall review all available scientific evidence and consult with drug manufacturers, clinicians, patients and consumers, experts in health literacy, and representatives of racial and ethnic minorities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report that provides—

(1) the determination by the Secretary under subsection (a); and

(2) the reasoning and analysis underlying that determination.

(d) AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines under subsection (a) that standardized, quantitative summaries of the benefits and risks of drugs in a tabular or drug facts box format, or any alternative format, in the labeling and print advertising of such drugs would improve health care decision making by clinicians and patients and consumers, then the Secretary, not later than 1 year after the date of submission of the report under subsection (c), shall promulgate regulations as necessary to implement such format.

(2) OBJECTIVE AND UP-TO-DATE INFORMATION.—In carrying out paragraph (1), the Secretary shall ensure that the information presented in a summary described under such paragraph is objective and up-to-date, and is the result of a review process that considers the totality of published and unpublished data.

(3) POSTING OF INFORMATION.—In carrying out paragraph (1), the Secretary shall post the information presented in a summary described under such paragraph on the Internet Web site of the Food and Drug Administration.

SEC. 4. STANDARDS FOR COMPARATIVE CLINICAL EFFECTIVENESS INFORMATION.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, shall establish and periodically update methodological standards and criteria for the sources of evidence and the adequacy and degree of evidence that are appropriate for inclusion of comparative clinical effectiveness information in labeling and advertisements under subsections (f), (n)(3), and (r) of section 502 of the Federal Food, Drug, and Cosmetic Act (as amended by section 5).

(b) REQUIREMENTS.—The standards and criteria established under subsection (a) shall ensure that comparative clinical effectiveness information provides reliable and useful information that improves health care decision making, adheres to rigorous scientific standards, and is produced through a transparent process that includes consultation with stakeholders.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with manufacturers of drugs and devices, clinicians, patients and consumers, experts in health literacy, and representatives of racial and ethnic minorities.

(d) DEFINITION.—For purposes of this section, the term ''comparative clinical effectiveness'' means the clinical outcomes, effectiveness, safety, and clinical appropriateness of a drug or device in comparison to 1 or more drugs or devices, respectively, approved to prevent, diagnose, or treat the same health condition for the same patient demographic subpopulation.

SEC. 5. DISCLOSURE OF COMPARATIVE CLINICAL EFFECTIVENESS INFORMATION.

(a) COMPARATIVE CLINICAL EFFECTIVENESS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(rr) The term 'comparative clinical effectiveness' means the clinical outcomes, effectiveness, safety, and clinical appropriateness of a drug or device in comparison to 1 or more drugs or devices, respectively, approved to prevent, diagnose, or treat the same health condition for the same patient demographic subpopulation, on the basis of research that meets standards adopted by the Secretary under section 4 of the Informed Health Care Decision Making Act.''.

(b) LABELING AND ADVERTISING INFORMATION.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended—

(1) in subsection (f), by striking ''for use; and (2)'' and inserting ''for use; (2) such information in brief summary relating to comparative clinical effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 701(a); and (3)'';

(2) in subsection (n)(3), by striking ''and effectiveness'' and inserting ''effectiveness, and comparative clinical effectiveness (or a disclosure that there is no such information relating to comparative clinical effectiveness if another drug has been approved for the same use),''; and

(3) in subsection (r)—

(A) by striking ''In the case of any'' and inserting ''(1) In the case of any'';

(B) by striking ''(1) a true'' and inserting ''(A) a true'';

(C) by striking ''(2) a brief'' and inserting ''(B) a brief''; and

(D) by striking ''and contraindications'' and inserting ''contraindications, and, if appropriate after taking into consideration the type of device, effectiveness and comparative clinical effectiveness (or a disclosure that there is no such information relating to comparative clinical effectiveness if another device has been approved for the same use)''.

By Mr. DURBIN:

S. 1143. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, the people who work in public health are responsible for some of the most important jobs that protect the lives and health of ordinary Americans. The scope of public health includes preventing the spread of communicable diseases and pandemics, managing the health system's response to biological and chemical attacks, fighting foodborne illnesses, assisting communities in preparing for disasters, and promoting best health practices.

The recent outbreak of Influenza A H1N1 virus reminds us how much we depend on the people who work in public health. This virus has infected thousands of people and caused nearly a hundred deaths worldwide. The American people have looked to the Centers for Disease Control and Prevention and their State and local health departments to collect data, monitor the threat, provide accurate information, and prepare to respond if the situation worsens. But even when a pandemic or other widespread threat is not imminent, the public health workforce remains on the front lines in promoting healthy lifestyles and preventing chronic disease.

Our ability to prevent, respond to, and recover from a pandemic or other health challenges depends largely on a strong pipeline of public health professionals. Unfortunately, a critical—and growing—shortage of public health workers is putting our nation at risk.

The Association of Schools of Public Health recently reported that there were 50,000 fewer public health workers in 2000 than there were in 1980. In my home State of Illinois, the average Illinois Department of Public Health worker is 48 years old, and 39 percent of the staff will be eligible to retire within 5 years. Compounding this problem is the fact that 13 percent of agency positions are vacant, and when a new hire is found, the average age is 41. The ''graying'' workforce and weak pipeline of new public health graduates are problems across all levels of government. Nearly half of the federal employees in occupations critical to U.S. biodefense will be eligible to retire by 2012.

We cannot stay on the same trajectory in the future. We are not educating enough people in public health to replace retiring public health workers, and the salaries for those who do work in public health disciplines are not competitive with comparable employment in the private sector. The Association of State and Territorial Health Officials reports that in 2004, most of the approximately 6,400 graduates from accredited schools of public health took jobs in the private sector.

I am pleased to introduce the Public Health Workforce Development Act of 2009 today to help address this challenge. This legislation provides several common-sense solutions to develop a strong pipeline of public health professionals. This bill would provide scholarships to students going into public health and provide loan repayment for current public health workers in exchange for a commitment to additional years of service in public health.

The legislation also encourages states to set up their own public health training programs and creates a scholarship program for mid-career professionals to maintain or upgrade their training. Finally, it creates an online clearinghouse of public health jobs available in the Federal Government. Together, these programs will help attract young people to a career in public health and give current public health professionals incentives to remain in the field in the long-term

Our health care system today focuses too much on treating sickness, at the expense of preserving wellness. As the process of health reform moves forward, two key concerns are improving health care quality, while holding health care costs down. To do this, we need to focus on wellness, preventive care, and effective management of chronic conditions, all of which are hallmarks of the public health system. This bill will help maintain a strong and effective public health system by alleviating the dangerous shortage of public health workers

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. 1143

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 ''Public Health Workforce Development Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The ability of the public health system to prevent, respond to, and recover from bioterrorism, acute outbreaks of infectious diseases, or other health threats and emergencies, and to prevent and reduce chronic disease, depends upon the existence of adequate numbers of well-trained public health professionals in Federal, State, local, and tribal public health departments and health centers.

(2) The public health system has an aging staff nearing retirement with no clear pipeline of highly-skilled and capable employees to fill the void, with the average age of the State public health workforce at 47 years.

(3) Retirement rates in some State public health agencies were as high as 20 percent as of June 2007, and projected to be as high as 45 percent in 2009.

(4) The ratio of public health workers to the population has dropped from 219 per 100,000 in 1980 to 158 per 100,000 in 2000, while responsibilities of such workers have continued to expand.

(5) Public health nurses comprise the largest segment of the public health workforce. A study by the Institute of Medicine in 2003 identified nursing as facing one of the most severe shortages of public health workers. The average age of public health nurses is nearly 50 years, with the leaders of State public health nursing averaging more than 30 years of service. In one State nearly 40 percent of the public health nursing workforce was eligible for retirement as of June 2007.

(6) According to the Association of State and Territorial Health Officials, most of the approximately 6,400 graduates from accredited schools of public health took jobs in the private sector in 2004. The Bureau of Labor Statistics projects that there will be an increase in private sector demand for highly-educated graduates in scientific fields during the 10-year period ending in 2017. Public health agencies will have difficulty competing for those highly-skilled scientists.

(7) As of June 2007, approximately 42 percent of the epidemiology workforce in State and territorial health departments lacked formal academic training in epidemiology. States have reported that approximately 47 percent more epidemiologists are needed to adequately prevent and control avian influenza and other emerging diseases.

(8) The Partnership for Public Service reports that in the field of microbiology, there are more than 4 times as many full-time permanent employees over age 40 as under age 40 at the Centers for Disease Control and Prevention. Among full-time permanent employees with medical backgrounds at the Centers for Disease Control and Prevention and the Food and Drug Administration, there are 3 times as many employees over 40 years of age as under 40.

(9) More than 50 percent of States cite the lack of qualified individuals or individuals willing to relocate as being a major barrier to preparedness. A study conducted by the Health Resources and Services Association reported difficulty with recruiting more educated, skilled public health providers to work in traditionally medically underserved areas, such as rural populations. Public health agencies continue to face an unmet need for public health workers who are bilingual and culturally competent.

(10) Lack of access to advanced education, including baccalaureate nursing and graduate studies, is a significant barrier to upgrading the existing public health workforce, particularly in rural areas.

SEC. 3. PUBLIC HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAMS.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''Subpart 3—Public Health Workforce Recruitment and Retention Programs

''SEC. 780. PUBLIC HEALTH WORKFORCE SCHOLARSHIP PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Scholarship Program (referred to in this section as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1) be accepted for enrollment, or be enrolled, as a full-time student—

''(A) in an accredited (as determined by the Secretary) educational institution in a State or territory; and

''(B) in a course of study or program, offered by such institution and approved by the Secretary, leading to a health professions degree (graduate, undergraduate, or associate) or certificate, which may include public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

''(2) be a United States citizen;

''(3) submit an application to the Secretary to participate in the Program; and

''(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (d)) to serve, upon the completion of the course of study or program involved, for the applicable period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency or a health center.

''(c) DISSEMINATION OF INFORMATION.—

''(1) APPLICATION AND CONTRACT FORMS.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

''(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

''(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

''(2) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies, materials providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

''(3) UNDERSTANDABILITY AND TIMING.—The application form, contract form, and all other information furnished by the Secretary under this section shall—

''(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

''(B) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) CONTRACT.—The written contract between the Secretary and an individual shall contain—

''(1) an agreement on the part of the Secretary that the Secretary will provide the individual with a scholarship for a period of years (not to exceed 4 academic years) during which the individual shall pursue an approved course of study or program to prepare the individual to serve in the public health workforce;

''(2) an agreement on the part of the individual that the individual will—

''(A) maintain full-time enrollment in the approved course of study or program described in subsection (b)(1) until the individual completes that course of study or program;

''(B) while enrolled in the course of study or program, maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or program); and

''(C) immediately upon graduation, serve in the full-time employment of a Federal, State, local, or tribal public health agency or a health center in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

''(i) 1 year for each academic year for which the individual was provided a scholarship under the Program; or

''(ii) 2 years;

''(3) an agreement by both parties as to the nature and extent of the scholarship assistance, which may include—

''(A) payment of the tuition expenses of the individual;

''(B) payment of all other reasonable educational expenses of the individual including fees, books, equipment, and laboratory expenses; and

''(C) payment of a stipend of not more than $1,200 per month for each month of the academic year involved (indexed to account for increases in the Consumer Price Index);

''(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subsection and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section;

''(5) a statement of the damages to which the United States is entitled for the individual's breach of the contract; and

''(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this section.

''(e) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, psychology, or social work under a scholarship under the Program, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health advanced training program.

''(f) ADMINISTRATIVE PROVISIONS.—

''(1) CONTRACTS WITH INSTITUTIONS.—The Secretary may contract with an educational institution in which a participant in the Program is enrolled, for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in subsection (d)(3).

''(2) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

''(g) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (d) shall be subject to the same financial penalties as provided for under section 338E for breaches of scholarship contracts under sections 338A.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for each of the fiscal years 2010 through 2015.

''(i) DEFINITION.—For purposes of this subpart, the term 'health center' has the meaning given such term in section 330(a).

''SEC. 781. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this section as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and in health centers.

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1)(A) be accepted for enrollment, or be enrolled, as a full-time or part-time student in an accredited academic educational institution in a State or territory in the final year of a course of study or program offered by that institution leading to a health professions degree or certificate, which may include a degree (graduate, undergraduate, or associate) or certificate relating to public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration; or

''(B) have graduated, within 10 years, from an accredited educational institution in a State or territory and received a health professions degree (graduate, undergraduate, or associate) or certificate, which may include a degree (graduate, undergraduate, or associate) or certificate relating to public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences, or public administration;

''(2)(A) in the case of an individual described in paragraph (1)(A), have accepted employment with a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary, to commence upon graduation; or

''(B) in the case of an individual described in paragraph (1)(B), be employed by, or have accepted employment with, a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary;

''(3) be a United States citizen;

''(4) submit an application to the Secretary to participate in the Program; and

''(5) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (d)) to serve for the applicable period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency or a health center.

''(c) DISSEMINATION OF INFORMATION.—

''(1) APPLICATION AND CONTRACT FORMS.—The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

''(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual's breach of the contract; and

''(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.

''(2) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies and health centers, materials providing information on the Program and shall encourage such schools, institutions, and agencies to disseminate such materials to potentially eligible students.

''(3) UNDERSTANDABILITY AND TIMING.—The application form, contract form, and all

other information furnished by the Secretary under this section shall—

''(A) be written in a manner calculated to be understood by the average individual applying to participate in the Program; and

''(B) be made available by the Secretary on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(d) CONTRACT.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

''(1) an agreement on the part of the Secretary that the Secretary will repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant public health workforce educational degree or certificate in accordance with the terms of the contract;

''(2) an agreement on the part of the individual that the individual will serve, immediately upon graduation in the case of an individual described in subsection (b)(1)(A) service, or in the case of an individual described in subsection (b)(1)(B) continue to serve, in the full-time employment of a Federal, State, local, or tribal public health agency or health center in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

''(A) 3 years; or

''(B) such longer period of time as determined appropriate by the Secretary and the individual;

''(3) an agreement, as appropriate, on the part of the individual to relocate for the entire period of obligated service to a political jurisdiction designated by the Secretary to be a priority service area in exchange for an additional loan repayment incentive amount that does not exceed 20 percent of the individual's eligible loan repayment award per academic year such that the total of the loan repayment and the incentive amount shall not exceed ⅓ of the eligible loan balance per year;

''(4) in the case of an individual described in subsection (b)(1)(A) who is in the final year of study and who has accepted employment with a Federal, State, local, or tribal public health agency or a health center upon graduation, an agreement on the part of the individual to complete the education or training, maintain an acceptable level of academic standing (as determined by the education institution offering the course of study or training), and agree to the period of obligated service;

''(5) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this section;

''(6) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

''(7) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(e) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

''(A) tuition expenses; or

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual.

''(2) PAYMENTS FOR YEARS SERVED.—

''(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (d) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). With respect to participants under the Program whose total eligible loans are less than $105,000, the Secretary shall pay an amount that does not exceed ⅓ of the eligible loan balance for each year of obligated service of the individual.

''(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

''(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount not to exceed 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Program to establish a schedule for the making of such payments.

''(f) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, psychology, or social work, the date of the initiation of the period of obligated service may be postponed, upon the submission by the individual of a petition for such postponement and approval by the Secretary, to the date on which the individual completes an approved internship, residency, or other relevant public health advanced training program.

''(g) ADMINISTRATIVE PROVISIONS.—

''(1) HIRING PRIORITY.—Notwithstanding any other provision of law, Federal, State, local, and tribal public health agencies and health centers may give hiring priority to any individual who has qualified for and is willing to execute a contract to participate in the Program.

''(2) EMPLOYMENT CEILINGS.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, who are serving as full-time employees of a State, local, or tribal public health agency or a health center, or who are in the last year of public health workforce academic preparation, shall not be counted against any employment ceiling affecting the Department or any other Federal agency.

''(h) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (d) shall be subject to the same financial penalties as provided for under section 338E for breaches of loan repayment contracts under section 338B.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $195,000,000 for each of the fiscal years 2010 through 2015.

''SEC. 782. GRANTS FOR STATE AND LOCAL PROGRAMS.

''(a) IN GENERAL.—For the purpose of operating State, local, tribal, and health center public health workforce loan repayment programs under this subpart, the Secretary shall award a grant to any public health agency that receives public health preparedness cooperative agreements, or other successor cooperative agreements, from the Department of Health and Human Services.

''(b) REQUIREMENTS.—A State or local loan repayment program operated with a grant under subsection (a) shall incorporate all provisions of the Public Health Workforce Loan Repayment Program under section 781, including the ability to designate priority service areas within the relevant political jurisdiction.

''(c) ADMINISTRATION.—The head of the State or local office that receives a grant under subsection (a) shall be responsible for contracting and operating the loan repayment program under the grant.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to obligate or limit any State, local, or tribal government entity from implementing independent or supplemental public health workforce development programs within their borders.

''SEC. 783. TRAINING FOR MID-CAREER PUBLIC HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Secretary may make grants to, or enter into contracts with, any eligible entity to award scholarships to eligible individuals to enroll in degree or professional training programs for the purpose of enabling mid-career professionals in the public health workforce to receive additional training in the field of public health.

''(b) ELIGIBILITY.—

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' indicates an accredited educational institution that offers a course of study, certificate program, or professional training program in infectious disease science, medicine, public health, veterinary medicine, or other discipline impacting or influenced by bioterrorism or emerging infectious diseases.

''(2) ELIGIBLE INDIVIDUALS.—The term 'eligible individuals' includes those individuals employed in public health positions at the Federal, State, tribal, or local level or a health center who are interested in retaining or upgrading their education.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for each of the fiscal years 2010 through 2015.

''SEC. 784. CATALOGUE OF FEDERAL PUBLIC HEALTH WORKFORCE EMPLOYMENT OPPORTUNITIES.

''(a) IN GENERAL.—The Director of the Office of Personnel Management, in cooperation with the Secretary, shall ensure that, included in the Internet website of the Office of Personnel Management, there is an online catalogue, or link to an online catalogue, of public health workforce employment opportunities in the Federal Government.

''(b) REQUIREMENTS.—To the extent practicable, the catalogue described in subsection (a) shall include—

''(1) existing and projected job openings in the Federal public health workforce; and

''(2) a general discussion of the occupations that comprise the Federal public health workforce.

''(c) INFORMATION.—The Secretary shall include a copy of the catalogue described in subsection (a), or a prominent reference to the catalogue, in—

''(1) the application forms provided under section 780(c)(1); and

''(2) the information for schools provided under section 780(c)(2).''.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 1147. A bill to prevent tobacco smuggling, to ensure the collection of

all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator LEAHY to introduce the Prevent All Cigarette Trafficking, PACT, Act of 2009. As the problem of cigarette trafficking continues to worsen, we must provide law enforcement officials with the tools they need to crack down on cigarette trafficking. The PACT Act closes loopholes in current tobacco trafficking laws, enhances penalties for violations, and provides law enforcement with new tools to combat the innovative new methods being used by cigarette traffickers to distribute their products. Each day we delay passage of this important legislation, terrorists and criminals raise more money, States lose significant amounts of tax revenue, and kids have easy access to tobacco products over the internet.

The cost to Americans is not merely financial. Tobacco smuggling also poses a significant threat to innocent people around the world. It has developed into a popular, and highly profitable, means of generating revenue for criminal and terrorist organizations. Hezbollah, for example, earned $1.5 million between 1996 and 2000 by engaging in tobacco trafficking in the U.S. Al Qaeda and Hamas have also generated significant revenue from the sale of counterfeit cigarettes. That money is often raised right here in the U.S. and it is then funneled back to these international terrorist groups. Cutting off financial support to terrorist groups is an integral part of the protecting this country against future attacks. We can no longer continue to let terrorist organizations exploit weaknesses in our tobacco laws to generate significant amounts of money. The cost of doing nothing is too great.

This is not a minor problem. Cigarette smuggling is a multibillion dollar a year phenomenon, and it is getting worse. In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) had six active tobacco smuggling investigations. In 2005, that number swelled to 452. Today there are more than 400 open cases.

The number of cases alone, however, does not sufficiently put this problem into perspective. The amount of money involved is truly astonishing. Cigarette trafficking, including the illegal sale of tobacco products over the internet, costs States billions of dollars in lost tax revenue each year. It is estimated that we lose $5 billion in state revenues due to illegal tobacco sales. As lost tobacco tax revenue lines the pockets of criminals and terrorist groups, states are being forced to college tuition and restrict access to other public programs. Tobacco smuggling may provide some with cheap access to cigarettes, but those cheap cigarettes are coming at a significant cost to the rest of us.

According to the Government Accountability Office, each year, cigarette trafficking investigations are growing more and more complex, and take longer to resolve. More people are selling cigarettes illegally, and they are getting better at it. As these cases get tougher to solve, we owe it to law enforcement officials to do our part to lend a helping hand. The PACT Act enhances BATFE's authority to enter premises to investigate and enforce cigarette trafficking laws, and increasing penalties for violations. Unless these existing laws are strengthened, traffickers will continue to operate with near impunity.

Just as important, though, we must provide law enforcement with new enforcement tools—tools that enable them to combat the cigarette smugglers of the 21st century. The internet represents one of those new obstacles to enforcement. Illegal tobacco vendors around the world evade detection by conducting transactions over the internet, and then employing the services of common carriers and the U.S. Postal Service to deliver their illegal products around the country. Just a few years ago, there were less than 100 vendors selling cigarettes online. Today, we estimate that approximately 500 vendors sell illegal tobacco products over the internet.

Without new and innovative enforcement methods, law enforcement will not be able to effectively address the growing challenges facing them today. The PACT Act sets out to do just that by cutting off the delivery. A significant part of this problem involves the shipment of contraband cigarettes through the U.S. Postal Service, USPS. This bill would cut off access to the USPS by making tobacco products non-mailable. We would treat cigarettes just like we treat alcohol, making it illegal to ship them through the U.S. mails and cutting off a large portion of the delivery system.

It also employs a novel approach, one being used in some of our States today, to combat illegal sales of tobacco over the internet. Specifically, it will allow the Attorney General, in collaboration with State and local law enforcement, to create a list of companies that are illegally selling tobacco products. That list will then be distributed to legitimate businesses whose services are indispensable to illegal internet vendors—common carriers. Once a common carrier knows which customers are breaking the law, this bill will ensure that they take appropriate action to prevent their companies from being exploited by terrorists and other criminals.

It is important to point out that this bill has been carefully negotiated with the common carriers, including UPS, to ensure that it does not place any unreasonable burdens on these businesses. In recognition of UPS and other common carriers' agreements to not deliver cigarettes to individual consumers on a nationwide basis, pursuant to agreements with the State of New York, we have exempted them from the bill provided this agreement remains in effect.

In addition to these important law enforcement needs, it is important to mention another aspect of this legislation that is equally important. One of the primary ways children get access to cigarettes today is on the internet and through the mails. The PACT Act now contains a strong age verification section that will ensure that online vendors are not selling cigarettes to our children. This provision would prohibit the sale of tobacco products to children, and it would also require sellers to use a method of shipment that requires a signature and photo ID check upon delivery. Most States already have similar laws on the books, and this would simply make sure that we have a national standard to ensure that the internet is not being used to evade similar ID checks we require at our grocery and convenience stores.

The recognition that this is a significant problem, along with the commonsense approach taken in the PACT Act to combat it, has brought together a coalition of strange bedfellows. The legislation has not just garnered the support of the law enforcement community, including the National Association of Attorneys General, and public health advocates, such as the Campaign for Tobacco Free Kids. It also has the strong support of tobacco companies like Altria. These groups, who sometimes find themselves on opposite sides of these issues, all agree that this is an issue begging to be addressed. They all recognize the urgent need to provide our law enforcement officials with the tools they need to combat a very serious threat to our security and protect public health.

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. 1147

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2009'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children,

without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

''(2) CIGARETTE.—

''(A) IN GENERAL.—The term 'cigarette'—

''(i) has the meaning given that term in section 2341 of title 18, United States Code; and

''(ii) includes roll-your-own tobacco (as defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—The term 'cigarette' does not include a cigar (as defined in section 5702 of the Internal Revenue Code of 1986).

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise (regardless of whether the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided) between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer'—

''(A) means any person that purchases cigarettes or smokeless tobacco; and

''(B) does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country'—

''(A) has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) includes any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such a government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) USE.—The term 'use' includes the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—'' after ''(a)'';

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of the person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of the memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use the memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in the memorandum or invoice except as required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if the delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on

the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX–STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within the State, by the city or town and by zip code, into which the delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) until the end of the 4th full calendar year that begins after the date of the delivery sale.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of the local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that the excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General of the United States pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) any other person that the Attorney General of the United States determines can promote the effective enforcement of this Act; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General of the United States determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list described in subparagraph (A) at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list described in subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (6), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (6).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list described in subparagraph (A), the Attorney General of the United States shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that a delivery seller is not in compliance with this Act;

''(ii) not later than 14 days before including a delivery seller on the list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the list, which shall cite the relevant provisions of this Act and the specific reasons for which the delivery seller is being placed on the list;

''(iii) provide an opportunity to the delivery seller to challenge placement on the list;

''(iv) investigate each challenge described in clause (iii) by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of the investigation to the delivery seller not later than 30 days after the date on which the challenge is made; and

''(v) if the Attorney General of the United States determines that the basis for including a delivery seller on the list is inaccurate, based on incomplete information, or cannot be verified, promptly remove the delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of the determination.

''(F) CONFIDENTIALITY.—The list described in subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list and may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the inclusion of the delivery seller on the list and the resulting effects on any services requested by the listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list

described in paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list described in paragraph (1)(A), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to the corrections or updates.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—Subsection (b)(2) and any requirements or restrictions placed directly on common carriers under this subsection, including subparagraphs (A) and (B) of paragraph (2), shall not apply to a common carrier that—

''(i) is subject to a settlement agreement described in subparagraph (B); or

''(ii) if a settlement agreement described in subparagraph (B) to which the common carrier is a party is terminated or otherwise becomes inactive, is administering and enforcing policies and practices throughout the United States that are at least as stringent as the agreement.

''(B) SETTLEMENT AGREEMENT.—A settlement agreement described in this subparagraph—

''(i) is a settlement agreement relating to tobacco product deliveries to consumers; and

''(ii) includes—

''(I) the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, if each of those agreements is honored throughout the United States to block illegal deliveries of cigarettes or smokeless tobacco to consumers; and

''(II) any other active agreement between a common carrier and a State that operates throughout the United States to ensure that no deliveries of cigarettes or smokeless tobacco shall be made to consumers or illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers are located of all taxes on the tobacco products.

''(4) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—If a common carrier or other delivery service delays or interrupts the delivery of a package in the possession of the common carrier or delivery service because the common carrier or delivery service determines or has reason to believe that the person ordering the delivery is on a list described in paragraph (1)(A) and that the package contains cigarettes or smokeless tobacco—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover any extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any delivery interrupted under this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall—

''(i) use the records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco; and

''(ii) keep confidential any personal information in the records not otherwise required for such purposes.

''(5) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—

''(i) IN GENERAL.—Except as provided in clause (ii), nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

''(ii) EXEMPTIONS.—No State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (3) of this subsection.

''(6) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that—

''(I) offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land; and

''(II) has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as the government notifies the Attorney General of the United States in writing that the government no longer desires to submit information to supplement the list described in paragraph (1)(A).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list described in paragraph (1)(A) any persons that are on the list solely because of the prior submissions of the government of the list of the government of noncomplying delivery sellers of cigarettes or smokeless tobacco or a subsequent update or correction by the government.

''(7) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (6) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any list or update described in subparagraph (A) to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (6).

''(8) NOTICE TO DELIVERY SELLERS.—Not later than 14 days before including any delivery seller on the initial list described in paragraph (1)(A), or on an update to the list for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on the

list or update, with that notice citing the relevant provisions of this Act.

''(9) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection—

''(i) shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list described in paragraph (1)(A) who is using a different name or address in order to evade the related delivery restrictions; and

''(ii) shall not knowingly deliver any packages to consumers for any delivery seller on the list described in paragraph (1)(A) who the common carrier or other delivery service knows is a delivery seller who is on the list and is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list described in paragraph (1)(A);

''(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates this Act shall be imprisoned for not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of the delivery seller during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking actions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for the violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the Federal Government in enforcing this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General of the United States under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General of the United States, under this section, including information regarding the resolution of the enforcement actions and how the Attorney General of the United States has responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, and every year thereafter until the date that is 5 years after such date of enactment, the Attorney General of the United States shall submit to Congress a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—

''(1) IN GENERAL.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this paragraph.

''(2) REASONABLE CAUSE.—For the purposes of this subsection reasonable cause includes—

''(A) a statement on a publicly available website, or an advertisement, by any person that the person will mail matter which is nonmailable under this section in return for payment; or

''(B) the fact that the person is on the list created under section 2A(e) of the Jenkins Act.

''(b) EXCEPTIONS.—

''(1) CIGARS.—Subsection (a) shall not apply to cigars (as defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Subsection (a) shall not apply to mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed only—

''(i) for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research; or

''(ii) for regulatory purposes between any business described in clause (i) and an agency of the Federal Government or a State government.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is a business or government agency permitted to make a mailing under this paragraph;

''(II) the United States Postal Service to ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails under this paragraph is a business or government agency that may lawfully receive the product;

''(III) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(IV) that the identity of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the identity of the business or government entity receiving the mailing are clearly set forth on the package;

''(V) the United States Postal Service to maintain identifying information described in subclause (IV) during the 3-year period beginning on the date of the mailing and make the information available to the Postal Service, the Attorney General of the United States, and to persons eligible to bring enforcement actions under section 3(d) of the Prevent All Cigarette Trafficking Act of 2009;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person; and

''(VII) that any mailing described in subparagraph (A) be delivered only to a verified employee of the recipient business or government agency, who is not a minor and who shall be required to sign for the mailing.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(4) CERTAIN INDIVIDUALS.—

''(A) IN GENERAL.—Subsection (a) shall not apply to tobacco products mailed by individuals who are not minors for noncommercial purposes, including the return of a damaged or unacceptable tobacco product to the manufacturer.

''(B) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized under this paragraph is the individual identified on the return address label of the package and is not a minor;

''(II) for a mailing to an individual, the United States Postal Service to require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this paragraph to affirm that the recipient is not a minor;

''(III) that any package mailed under this paragraph shall weigh not more than 10 ounces;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) that a mailing described in subparagraph (A) shall not be delivered or placed in the possession of any individual who has not been verified as not being a minor;

''(VI) for a mailing described in subparagraph (A) to an individual, that the United States Postal Service shall deliver the package only to a recipient who is verified not to be a minor at the recipient address or transfer it for delivery to an Air/Army Postal Office or Fleet Postal Office number designated in the recipient address; and

''(VII) that no person may initiate more than 10 mailings described in subparagraph (A) during any 30-day period.

''(C) DEFINITION.—In this paragraph, the term 'minor' means an individual who is less than the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), subsection (a) shall not preclude a legally operating cigarette manufacturer or a legally authorized agent of a legally operating cigarette manufacturer from using the United States Postal Service to mail cigarettes to verified adult smoker solely for consumer testing purposes, if—

''(i) the cigarette manufacturer has a permit, in good standing, issued under section 5713 of the Internal Revenue Code of 1986;

''(ii) the package of cigarettes mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes);

''(iii) the recipient does not receive more than 1 package of cigarettes from any 1 cigarette manufacturer under this paragraph during any 30-day period;

''(iv) all taxes on the cigarettes mailed under this paragraph levied by the State and locality of delivery are paid to the State and locality before delivery, and tax stamps or other tax-payment indicia are affixed to the cigarettes as required by law; and

''(v)(I) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

''(II) the recipient is paid a fee by the manufacturer or agent of the manufacturer for participation in consumer product tests; and

''(III) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent.

''(B) LIMITATIONS.—Subparagraph (A) shall not—

''(i) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

''(ii) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar year in a total amount greater than 1 percent of the total cigarette sales of the manufacturer in the United States during the calendar year before the date of the mailing.

''(C) RULES.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Prevent All Cigarette Trafficking Act of 2009, the Postmaster General shall issue a final rule which shall establish the standards and requirements that apply to all mailings described in subparagraph (A).

''(ii) CONTENTS.—The final rule issued under clause (i) shall require—

''(I) the United States Postal Service to verify that any person submitting a tobacco product into the mails under this paragraph is a legally operating cigarette manufacturer permitted to make a mailing under this paragraph, or an agent legally authorized by the legally operating cigarette manufacturer to submit the tobacco product into the mails on behalf of the manufacturer;

''(II) the legally operating cigarette manufacturer submitting the cigarettes into the mails under this paragraph to affirm that—

''(aa) the manufacturer or the legally authorized agent of the manufacturer has verified that the recipient is an adult established smoker;

''(bb) the recipient has not made any payment for the cigarettes;

''(cc) the recipient has signed a written statement that is in effect indicating that the recipient wishes to receive the mailings; and

''(dd) the manufacturer or the legally authorized agent of the manufacturer has offered the opportunity for the recipient to withdraw the written statement described in item (cc) not less frequently than once in every 3-month period;

''(III) the legally operating cigarette manufacturer or the legally authorized agent of the manufacturer submitting the cigarettes into the mails under this paragraph to affirm that any package mailed under this paragraph contains not more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied;

''(IV) that any mailing described in subparagraph (A) shall be sent through the systems of the United States Postal Service that provide for the tracking and confirmation of the delivery;

''(V) the United States Postal Service to maintain records relating to a mailing described in subparagraph (A) during the 3-year period beginning on the date of the mailing and make the information available to persons enforcing this section;

''(VI) that any mailing described in subparagraph (A) be marked with a United States Postal Service label or marking that makes it clear to employees of the United States Postal Service that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult; and

''(VII) the United States Postal Service shall deliver a mailing described in subparagraph (A) only to the named recipient and only after verifying that the recipient is an adult.

''(D) DEFINITIONS.—In this paragraph—

''(i) the term 'adult' means an individual who is not less than 21 years of age; and

''(ii) the term 'consumer testing' means testing limited to formal data collection and analysis for the specific purpose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

''(6) FEDERAL GOVERNMENT AGENCIES.—An agency of the Federal Government involved in the consumer testing of tobacco products solely for public health purposes may mail cigarettes under the same requirements, restrictions, and rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that the agency shall not be required to pay the recipients for participating in the consumer testing.

''(c) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products seized and forfeited under this subsection shall be destroyed or retained by the Federal Government for the detection or prosecution of crimes or related investigations and then destroyed.

''(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties under this title for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount equal to 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that is nonmailable matter under this section shall be fined under this title, imprisoned not more than 1 year, or both.

''(f) USE OF PENALTIES.—There is established a separate account in the Treasury, to be known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal fines, civil penalties, or other monetary penalties collected by the Federal Government in enforcing this section shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing this subsection.

''(g) COORDINATION OF EFFORTS.—The Postmaster General shall cooperate and coordinate efforts to enforce this section with related enforcement activities of any other Federal agency or agency of any State, local, or tribal government, whenever appropriate.

''(h) ACTIONS BY STATE, LOCAL, OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

''(1) IN GENERAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of this section. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of this section to addressees in that State, locality, or tribal land.

''(2) SOVEREIGN IMMUNITY.—Nothing in this subsection shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(3) ATTORNEY GENERAL REFERRAL.—A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of this section for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of this section to the Attorney General of the United States, who shall take appropriate actions to enforce this section.

''(4) NONEXCLUSIVITY OF REMEDIES.—The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

''(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

''(i) DEFINITION.—In this section, the term 'State' has the meaning given that term in section 1716(k).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 83 of title 18 is amended by inserting after the item relating to section 1716D the following:

''1716E. Tobacco products as nonmailable.''.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by the State requiring funds to be placed into a qualified escrow account under specified conditions, and with any regulations promulgated pursuant to the statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation enacted after the date of enactment of this Act.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier,

private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by the person under this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by the person at the premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

''(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000.''.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; or

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act shall prohibit, limit, or restrict enforcement by the Attorney General of the United States of this Act or an amendment made by this Act within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

(f) DEFINITIONS.—In this section—

(1) the term ''Indian country'' has the meaning given that term in section 1 of the Jenkins Act, as amended by this Act; and

(2) the term ''tribal enterprise'' means any business enterprise, regardless of whether incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribes.

SEC. 7. ENHANCED CONTRABAND TOBACCO ENFORCEMENT.

(a) REQUIREMENTS.—The Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall—

(1) not later than the end of the 3-year period beginning on the effective date of this Act, create a regional contraband tobacco trafficking team in each of New York, New York, the District of Columbia, Detroit, Michigan, Los Angeles, California, Seattle, Washington, and Miami, Florida;

(2) create a Tobacco Intelligence Center to oversee investigations and monitor and coordinate ongoing investigations and to serve as the coordinator for all ongoing tobacco diversion investigations within the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in the United States and, where applicable, with law enforcement organizations around the world;

(3) establish a covert national warehouse for undercover operations; and

(4) create a computer database that will track and analyze information from retail sellers of tobacco products that sell through the Internet or by mail order or make other non-face-to-face sales.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $8,500,000 for each of fiscal years 2010 through 2014.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—The amendments made by section 5 shall take effect on the date of enactment of this Act.

SEC. 9. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of the Act to any other person or circumstance shall not be affected thereby.

SEC. 10. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

By Mr. GRASSLEY (for himself, Mrs. MCCASKILL, Mr. BOND, and Mr. THUNE):

S. 1148. A bill to amend the Clean Air Act to modify a provision relating to the renewable fuel program; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, I am pleased to be joined today in introducing commonsense legislation with Senators MCCASKILL and BOND. The Renewable Fuel Standard Improvement Act, seeks to improve a number of provisions included in the expanded Renewable Fuels Standard that was enacted in the Energy Independence and Security Act of 2007, EISA.

Just a week ago, the Chairman of the House Agriculture Committee, Representative COLLIN PETERSON, introduced this legislation in the House of Representatives. It now has more than 44 bipartisan cosponsors. Because Chairman PETERSON crafted such thoughtful modifications to the Renewable Fuel Standard, I want to give my Senate colleagues an opportunity to consider the bill. So, today I am introducing companion legislation in the Senate.

A component of the new Renewable Fuels Standard was a requirement that various biofuels meet specified lifecycle greenhouse gas emission reduction targets. The law specified that lifecycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land use changes. In the Notice of Proposed Rulemaking released by the Environmental Protection Agency earlier this month, the EPA relies on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called ''indirect land use changes.'' So, this bill ensures that the greenhouse gas calculations are based on proven science by removing the requirement to include indirect land use changes.

The bill also includes a number of other commonsense fixes to the expanded Renewable Fuels Standard. Under EISA, the life-cycle greenhouse gas reduction requirements do not apply to corn ethanol plants that were in operation or under construction prior to the date of enactment. This grandfather provision does not apply to biodiesel facilities, however. The legislation I am introducing today would extend the same grandfathered treatment to biodiesel facilities.

Finally, the bill includes a more inclusive definition of renewable biomass, and it expands the role of the U.S. Departments of Agriculture and Energy in administering the program.

This bill goes a long way to rectifying a few provisions that are undermining and harming our efforts toward energy independence. I do not think it makes sense to impose hurdles on our domestic renewable fuels industry, particularly if it prolongs our dependence on dirtier fossil fuels, or increases our dependence on energy from countries like Iran and Venezuela.

I would like to thank the cosponsors for their support. I look forward to Senate consideration of this important legislation.

By Mr. REID (for Mr. ROCKEFELLER):

S. 1149. A bill to eliminate annual and lifetime aggregate limits imposed by health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Annual and Lifetime Health Care Limit Elimination Act of 2009, legislation that would prohibit insurance companies from imposing any annual or lifetime limit on any individual or group health insurance policy, thus providing continuity and affordability of health care coverage for those with serious chronic conditions.

Each year, thousands of insured Americans face daunting medical expenses and challenges when they reach the annual or lifetime limit on their individual or employer-sponsored health insurance plan. Once a beneficiary's medical costs have exceeded the annual or lifetime limit of their plan, the insurance company no longer pays for the medical costs incurred by that individual.

In April, I held a roundtable discussion on health care in Raleigh County. There, I met a woman who had myelodysplastic syndrome, which is a non-curable pre-leukemia type disease. Unfortunately, her husband's insurance policy had a lifetime limit of $300,000, which she had reached. Another young West Virginian, born with serious congenital heart defects, reached the $1 million limit on his mother's insurance policy within the first nine months of his life. The limits on their health insurance plans have left these families struggling to find a way to pay for the expensive and life-sustaining treatments their loved ones desperately need.

Unfortunately, these two West Virginia families are not alone. In 2007, it was estimated that 55 percent of all people who obtain health benefits from their employer have some type of lifetime limit on their plan, an increase of approximately 4 percent since 2004. More than 23 percent of people have health insurance plans that impose limits of $2 million or less. Also, some health insurance policies renew less frequently than annually and contain annual limits to reduce the medical expenses paid by insurance companies. It is estimated that approximately 20,000 to 25,000 people no longer have health care benefits through their employers because of lifetime limits on their employer-sponsored health care plans.

When individuals with serious chronic conditions—such as transplant recipients, patients living with hemophilia, and newborns with life-threatening illnesses—hit the annual or lifetime limits on their policies, they are often left with very few options to meet their health care needs. Individuals and families that can afford it can try to pay for their health care costs completely out-of-pocket. However, this is rarely financially feasible; therefore, many people are forced to leave good, stable jobs and seek different employment in an effort to obtain new employer-sponsored coverage. Unfortunately, new enrollees are often subject to a waiting period for coverage if there was any break in their previous health care coverage.

Should an individual try to find health insurance in the individual market, coverage is likely to be prohibitively expensive. More often then not, these individuals are denied coverage altogether because of the insurer's pre-existing condition exclusion. Annual or lifetime limits can force people to turn to public programs such as Medicaid, or spend down their savings to meet the financial restrictions of the program. Others are forced to forgo treatment altogether, which can lead to serious complications and greater long-term health care costs.

It is time to stop health insurance companies from imposing annual or lifetime limits on health insurance policies. The beneficiaries affected by these limits have paid their premiums, deductibles, and copays faithfully, only to lose access to life-saving treatment when they need care the most. This is unacceptable and I encourage my colleagues to join me in supporting the Annual and Lifetime Health Care Limit Elimination Act.

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. 1149

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 ''Annual and Lifetime Health Care Limit Elimination Act of 2009''.

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 715. ELIMINATION OF ANNUAL OR LIFETIME AGGREGATE LIMITS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not impose an aggregate dollar annual or lifetime limit with respect to benefits payable under the plan or coverage.

''(b) DEFINITION.—In this section, the term 'aggregate dollar annual or lifetime limit' means, with respect to benefits under a group health plan or health insurance coverage, a dollar limitation on the total amount that may be paid with respect to such benefits under the plan or health insurance coverage with respect to an individual or other coverage unit on an annual or lifetime basis.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, is amended by inserting after the item relating to section 714 the following new item:

''Sec. 715. Elimination of annual or lifetime aggregate limits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after the date that is 1 year after the date of enactment of this Act.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2708. ELIMINATION OF ANNUAL OR LIFETIME AGGREGATE LIMITS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not impose an aggregate dollar annual or lifetime limit with respect to benefits payable under the plan or coverage.

''(b) DEFINITION.—In this section, the term 'aggregate dollar annual or lifetime limit' means, with respect to benefits under a group health plan or health insurance coverage, a dollar limitation on the total amount that may be paid with respect to such benefits under the plan or health insurance coverage with respect to an individual

or other coverage unit on an annual or lifetime basis.''.

(b) INDIVIDUAL MARKET.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

''SEC. 2754. ELIMINATION OF ANNUAL OR LIFETIME AGGREGATE LIMITS.

''The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after the date that is 1 year after the date of enactment of this Act.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mr. KOHL, Mr. WYDEN, and Mr. CARPER)):

S. 1150. A bill to improve end-of-life care; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friends and colleagues—Senators COLLINS, KOHL, WYDEN and CARPER—to introduce the Advance Planning and Compassionate Care Act of 2009, comprehensive legislation that recognizes the critical importance of advance care planning and quality end-of-life care. Senator COLLINS and I have worked on this legislation for over a decade—with the ultimate goal of one day passing comprehensive end-of-life care legislation. We are encouraged by the prospect of comprehensive health reform this year and believe that it is absolutely critical that end-of-life care provisions be included.

In preparation for the impending health reform debate, Senator COLLINS and I decided last year that it was time to update our Advance Planning and Compassionate Care Act to incorporate all of the best ideas out there on improving end-of-life care—including new and innovative approaches being implemented in the states, approaches suggested by scholars in this field, and recommendations based on our own experiences with loved ones facing the end of life. This new and improved bill is truly a labor of love and we are certainly hopeful that we can finally get something comprehensive and meaningful done for the millions of individuals and families faced with the agonizing issues surrounding the end of life.

A modern health care delivery system is well within our reach and something that we can start to achieve this year. A critical component of a modernized health system is the ability to address the health care needs of patients across the life-span—especially at the end of life. Death is a serious, personal, and complicated part of the life cycle. Yet, care at the end of life is eventually relevant to everyone. Americans deserve end-of-life care that is effective in providing information about diagnosis and prognosis, integrating appropriate support services, fulfilling individual wishes, and avoiding unnecessary disputes.

The bitter dispute that played out publicly for Terri Schiavo and her family is an agonizing experience that countless other families quietly face over the care of a loved one because clear advance directives are not in place. End-of-life care is a very delicate, yet important, issue and we must act to ensure that all Americans have the dignity and comfort they deserve at the end of life. Services should be available to help patients and their families with the medical, psychological, spiritual, and practical issues surrounding death.

Most people want to discuss advance directives when they are healthy and they want their families involved in the process. Yet, the vast majority of Americans have not completed an advance directive expressing their final wishes. In 2007, RAND conducted a comprehensive review of academic literature relating to end-of-life decisionmaking. This review found that only 18 to 30 percent of Americans have completed some type of advance directive expressing their end-of-life wishes. RAND also found that acutely ill individuals, for whom these decisions are particularly relevant, complete advance directives at only slightly higher rates—35 percent of dialysis patients and 32 percent of Chronic Obstructive Pulmonary Disease, COPD, patients. Perhaps most alarmingly, between 65 and 76 percent of physicians whose patients had an advance directive were unaware of its existence.

In its present form, end-of-life planning and care for most Americans is perplexing, disjointed, and lacking an active dialogue. In its 1997 report entitled Approaching Death: Improving Care at the End of Life, the Institute of Medicine found several barriers to effective advance planning and end-of-life care that still persist today.

In addition to the substantial burden of suffering experienced by many at the end of life, there are also significant financial consequences for family members and society as a whole that stem from ineffective end-of-life care. According to one Federal evaluation, 80 percent of all deaths occur in hospitals—the most costly setting to deliver care—even though most people would prefer to die at home. Current studies indicate that around 25 percent of all Medicare spending occurs in the last year of life. Largely because of their poorer health status, dually eligible beneficiaries have Medicare costs that are about 1.5 times that of other Medicare beneficiaries. Research also shows significant variation in expenditures at the end-of-life by geography and hospital, without evidence that greater expenditures are associated with better outcomes or satisfaction.

We must find ways to improve the quality of end-of-life care. Quality measures provide not only information for oversight, but data with which to improve care practices and models. No core sets of end-of-life quality measures are required across provider settings. Even for certified hospices, reporting of quality measures has only recently been required, with each hospice deciding its own indicators. Hospice surveys are behind schedule and not conducted frequently enough.

Facilitating greater advance planning and improving care at the end of life also requires an adequate workforce. Unfortunately, there is a substantial shortage of health professionals who specialize in palliative care. There is a severe shortage of physicians and advance practice nurses trained in palliative medicine. Contributing to these shortages is a shortage of medical and nursing school faculty in palliative medicine and care. There is also a lack of content about end-of-life care in medical school curricula. Medical students in general receive very little formal end-of-life education. Almost half of medical residents in a survey felt unprepared to address patients' fears of dying. For Americans to have a full range of choices in end-of-life care, we must strengthen our health care workforce, including palliative care education of physicians and other health professionals.

Care at the end-of-life can, and should, be better and more consistent with what Americans want. The Advance Planning and Compassionate Care Act takes enormous steps forward to fully inform consumers of their treatment options at the end of life and to actually address patient end-of-life care needs when the time comes. To promote advance care planning, this legislation provides both patients and their physicians with the information and tools to help them in this most personal and often difficult discussion.

Last year's Medicare Improvements for Patients and Providers Act, PL 110–275, took a significant step forward toward improving advance care planning. MIPPA included a provision that I authored, requiring physicians to provide an advance care planning consultation as part of the Welcome to Medicare physical exam. Unfortunately, less than 10 percent of new enrollees use the Welcome to Medicare visit. The MIPPA provision also does not address the advance care planning needs of existing Medicare enrollees.

The legislation we are introducing today establishes physician payment under Medicare, Medicaid, and CHIP for vital patient advance care planning conversations. It provides help in documenting decisions from these conversations in the form of advance directives and in the form of actionable orders for life sustaining treatment. It also takes steps to address the problem of accessing advance directives when needed, including state grants for electronic registries.

This legislation establishes a National Geriatric and Palliative Care Service Corps, modeled after the National Health Service Corps, to increase the woefully inadequate supply

of geriatric and palliative specialists and to even out their geographic distribution. It adopts MedPAC's 2009 hospice payment reforms aimed at aligning payment with the actual trajectory of resources expended over hospice episodes of care, while remaining within the constraints of current reimbursement. Demonstration projects are funded to explore ways to better meet the needs of patients over longer time periods than the 6-month prognoses inherent in the hospice benefit.

Certification standards and processes are developed for hospital-based palliative care teams. Such teams are critical to providing consultation and care to dying patients. Quality measurement and oversight are strengthened, with development of end-of-life measures across care settings and greater data reporting requirements of hospices—so that we can make sure the hospice benefit is keeping pace with the changing diagnostic mix of patients that hospice serves.

Finally, this bill takes the important step of establishing a National Center on Palliative and End-of-Life Care within the NIH. This is a vital step toward prioritizing biomedical research in the areas of palliative and end-of-life care. It will also serve as a symbol to remind us that, as in other phases of life, we need care at the end of life that addresses our individual needs and circumstances.

Death is a serious, personal, and complicated issue that is eventually relevant to each and every one of us. Americans deserve end-of-life care that is effective in fulfilling individual wishes, avoiding unnecessary disputes, and, most importantly, providing quality end-of-life care. Therefore, I urge my colleagues to join us in improving end-of-life care and reducing the amount of grief that inevitably comes with losing those who we hold dear.

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. 1150

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Advance Planning and Compassionate Care Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ADVANCE CARE PLANNING

Subtitle A—Consumer and Provider Education

PART I—CONSUMER EDUCATION

SUBPART A—NATIONAL INITIATIVES

Sec. 101. Advance care planning telephone hotline.
Sec. 102. Advance care planning information clearinghouses.
Sec. 103. Advance care planning toolkit.
Sec. 104. National public education campaign.
Sec. 105. Update of Medicare and Social Security handbooks.
Sec. 106. Authorization of appropriations.

SUBPART B—STATE AND LOCAL INITIATIVES

Sec. 111. Financial assistance for advance care planning.
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PART I—COVERAGE OF ADVANCE CARE PLANNING

Sec. 211. Medicare, Medicaid, and CHIP coverage.

PART II—HOSPICE

Sec. 221. Adoption of MedPAC hospice payment methodology recommendations.
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Sec. 223. Hospice payments for dual eligible individuals residing in long-term care facilities.
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Sec. 225. Adoption of MedPAC hospice program eligibility certification and recertification recommendations.
Sec. 226. Concurrent care for children.
Sec. 227. Making hospice a required benefit under Medicaid and CHIP.
Sec. 228. Medicare Hospice payment model demonstration projects.
Sec. 229. MedPAC studies and reports.
Sec. 230. HHS Evaluations.

Subtitle C—Quality Improvement

Sec. 241. Patient satisfaction surveys.
Sec. 242. Development of core end-of-life care quality measures across each relevant provider setting.
Sec. 243. Accreditation of hospital-based palliative care programs.
Sec. 244. Survey and data requirements for all Medicare participating hospice programs.

Subtitle D—Additional Reports, Research, and Evaluations

Sec. 251. National Center On Palliative and End-Of-Life Care.
Sec. 252. National Mortality Followback Survey.
Sec. 253. Demonstration projects for use of telemedicine services in advance care planning.
Sec. 254. Inspector General investigation of raud and abuse.
Sec. 255. GAO study and report on provider adherence to advance directives.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCE CARE PLANNING.—The term ''advance care planning'' means the process of—

(A) determining an individual's priorities, values and goals for care in the future when the individual is no longer able to express his or her wishes;

(B) engaging family members, health care proxies, and health care providers in an ongoing dialogue about—

(i) the individual's wishes for care;

(ii) what the future may hold for people with serious illnesses or injuries;

(iii) how individuals, their health care proxies, and family members want their beliefs and preferences to guide care decisions; and

(iv) the steps that individuals and family members can take regarding, and the resources available to help with, finances, family matters, spiritual questions, and other issues that impact seriously ill or dying patients and their families; and

(C) executing and updating advance directives and appointing a health care proxy.

(2) ADVANCE DIRECTIVE.—The term ''advance directive'' means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.

(3) CHIP.—The term ''CHIP'' means the program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(4) END-OF-LIFE-CARE.—The term ''end-of-life care'' means all aspects of care of a patient with a potentially fatal condition, and includes care that is focused on specific preparations for an impending death.

(5) HEALTH CARE POWER OF ATTORNEY.—The term ''health care power of attorney'' means a legal document that identifies a health care proxy or decisionmaker for a patient who has the authority to act on the patient's behalf when the patient is unable to communicate his or her wishes for medical care on matters that the patient specifies when he or she is competent. Such term includes a durable power of attorney that relates to medical care.

(6) LIVING WILL.—The term ''living will'' means a legal document—

(A) used to specify the type of medical care (including any type of medical treatment, including life-sustaining procedures if that person becomes permanently unconscious or is otherwise dying) that an individual wants provided or withheld in the event the individual cannot speak for himself or herself and cannot express his or her wishes; and

(B) that requires a physician to honor the provisions of upon receipt or to transfer the care of the individual covered by the document to another physician that will honor such provisions.

(7) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) MEDICARE.—The term ''Medicare'' means the program established under title

XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) ORDERS FOR LIFE-SUSTAINING TREATMENT.—The term ''orders for life-sustaining treatment'' means a process for focusing a patients' values, goals, and preferences on current medical circumstances and to translate such into visible and portable medical orders applicable across care settings, including home, long-term care, emergency medical services, and hospitals.

(10) PALLIATIVE CARE.—The term ''palliative care'' means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—ADVANCE CARE PLANNING

Subtitle A—Consumer and Provider Education

PART I—CONSUMER EDUCATION

Subpart A—National Initiatives

SEC. 101. ADVANCE CARE PLANNING TELEPHONE HOTLINE.

(a) IN GENERAL.—Not later than January 1, 2011, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish and operate directly, or by grant, contract, or interagency agreement, a 24-hour toll-free telephone hotline to provide consumer information regarding advance care planning, including—

(1) an explanation of advanced care planning and its importance;

(2) issues to be considered when developing an individual's advance care plan;

(3) how to establish an advance directive;

(4) procedures to help ensure that an individual's directives for end-of-life care are followed;

(5) Federal and State-specific resources for assistance with advance care planning; and

(6) hospice and palliative care (including their respective purposes and services).

(b) ESTABLISHMENT.—In carrying out the requirements under subsection (a), the Director of the Centers for Disease Control and Prevention may designate an existing 24-hour toll-free telephone hotline or, if no such service is available or appropriate, establish a new 24-hour toll-free telephone hotline.

SEC. 102. ADVANCE CARE PLANNING INFORMATION CLEARINGHOUSES.

(a) EXPANSION OF NATIONAL CLEARINGHOUSE FOR LONG-TERM CARE INFORMATION.—

(1) DEVELOPMENT.—Not later than January 1, 2010, the Secretary shall develop an online clearinghouse to provide comprehensive information regarding advance care planning.

(2) MAINTENANCE.—The advance care planning clearinghouse, which shall be clearly identifiable and available on the homepage of the Department of Health and Human Service's National Clearinghouse for Long-Term Care Information website, shall be maintained and publicized by the Secretary on an ongoing basis.

(3) CONTENT.—The advance care planning clearinghouse shall include—

(A) any relevant content contained in the national public education campaign required under section 104;

(B) content addressing—

(i) an explanation of advanced care planning and its importance;

(ii) issues to be considered when developing an individual's advance care plan;

(iii) how to establish an advance directive;

(iv) procedures to help ensure that an individual's directives for end-of-life care are followed; and

(v) hospice and palliative care (including their respective purposes and services); and

(C) available Federal and State-specific resources for assistance with advance care planning, including—

(i) contact information for any State public health departments that are responsible for issues regarding end-of-life care;

(ii) contact information for relevant legal service organizations, including those funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(iii) advance directive forms for each State; and

(D) any additional information, as determined by the Secretary.

(b) ESTABLISHMENT OF PEDIATRIC ADVANCE CARE PLANNING CLEARINGHOUSE.—

(1) DEVELOPMENT.—Not later than January 1, 2011, the Secretary, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, shall develop an online clearinghouse to provide comprehensive information regarding pediatric advance care planning.

(2) MAINTENANCE.—The pediatric advance care planning clearinghouse, which shall be clearly identifiable on the homepage of the Administration for Children and Families website, shall be maintained and publicized by the Secretary on an ongoing basis.

(3) CONTENT.—The pediatric advance care planning clearinghouse shall provide advance care planning information specific to children with life-threatening illnesses or injuries and their families.

SEC. 103. ADVANCE CARE PLANNING TOOLKIT.

(a) DEVELOPMENT.—Not later than July 1, 2010, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop an online advance care planning toolkit.

(b) MAINTENANCE.—The advance care planning toolkit, which shall be available in English, Spanish, and any other languages that the Secretary deems appropriate, shall be maintained and publicized by the Secretary on an ongoing basis and made available on the following websites:

(1) The Centers for Disease Control and Prevention.

(2) The Department of Health and Human Service's National Clearinghouse for Long-Term Care Information.

(3) The Administration for Children and Families.

(c) CONTENT.—The advance care planning toolkit shall include content addressing—

(1) common issues and questions regarding advance care planning, including individuals and resources to contact for further inquiries;

(2) advance directives and their uses, including living wills and durable powers of attorney;

(3) the roles and responsibilities of a health care proxy;

(4) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(A) the advance care planning toll-free telephone hotline established under section 101;

(B) the advance care planning clearinghouses established under section 102;

(C) the advance care planning toolkit established under this section;

(D) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(E) website links or addresses for State-specific advance directive forms; and

(5) any additional information, as determined by the Secretary.

SEC. 104. NATIONAL PUBLIC EDUCATION CAMPAIGN.

(a) NATIONAL PUBLIC EDUCATION CAMPAIGN.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, directly or through grants, contracts, or interagency agreements, develop and implement a national campaign to inform the public of the importance of advance care planning and of an individual's right to direct and participate in their health care decisions.

(2) CONTENT OF EDUCATIONAL CAMPAIGN.—The national public education campaign established under paragraph (1) shall—

(A) employ the use of various media, including regularly televised public service announcements;

(B) provide culturally and linguistically appropriate information;

(C) be conducted continuously over a period of not less than 5 years;

(D) identify and promote the advance care planning information available on the Department of Health and Human Service's National Clearinghouse for Long-Term Care Information website and Administration for Children and Families website, as well as any other relevant Federal or State-specific advance care planning resources;

(E) raise public awareness of the consequences that may result if an individual is no longer able to express or communicate their health care decisions;

(F) address the importance of individuals speaking to family members, health care proxies, and health care providers as part of an ongoing dialogue regarding their health care choices;

(G) address the need for individuals to obtain readily available legal documents that express their health care decisions through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care);

(H) raise public awareness regarding the availability of hospice and palliative care; and

(I) encourage individuals to speak with their physicians about their options and intentions for end-of-life care.

(3) EVALUATION.—

(A) IN GENERAL.—Not later than July 1, 2013, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a nationwide survey to evaluate whether the national campaign conducted under this subsection has achieved its goal of changing public awareness, attitudes, and behaviors regarding advance care planning.

(B) BASELINE SURVEY.—In order to evaluate the effectiveness of the national campaign, the Secretary shall conduct a baseline survey prior to implementation of the campaign.

(C) REPORTING REQUIREMENT.—Not later than December 31, 2013, the Secretary shall report the findings of such survey, as well as any recommendations that the Secretary determines appropriate regarding the need for continuation or legislative or administrative changes to facilitate changing public awareness, attitudes, and behaviors regarding advance care planning, to the appropriate committees of the Congress.

(b) REPEAL.—Section 4751(d) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396a note; Public Law 101–508) is repealed.

SEC. 105. UPDATE OF MEDICARE AND SOCIAL SECURITY HANDBOOKS.

(a) MEDICARE & YOU HANDBOOK.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall update the online version of

the ''Planning Ahead'' section of the Medicare & You Handbook to include—

(A) an explanation of advance care planning and advance directives, including—

(i) living wills;

(ii) health care proxies; and

(iii) after-death directives;

(B) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(i) the advance care planning toll-free telephone hotline established under section 101;

(ii) the advance care planning clearinghouses established under section 102;

(iii) the advance care planning toolkit established under section 103;

(iv) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(v) website links or addresses for State-specific advance directive forms; and

(C) any additional information, as determined by the Secretary.

(2) UPDATE OF PAPER AND SUBSEQUENT VERSIONS.—The Secretary shall include the information described in paragraph (1) in all paper and electronic versions of the Medicare & You Handbook that are published on or after the date that is 60 days after the date of enactment of this Act.

(b) SOCIAL SECURITY HANDBOOK.—The Commissioner of Social Security shall—

(1) not later than 60 days after the date of enactment of this Act, update the online version of the Social Security Handbook for beneficiaries to include the information described in subsection (a)(1); and

(2) include such information in all paper and online versions of such handbook that are published on or after the date that is 60 days after the date of enactment of this Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the period of fiscal years 2010 through 2014—

(1) $195,000,000 to the Secretary to carry out sections 101, 102, 103, 104 and 105(a); and

(2) $5,000,000 to the Commissioner of Social Security to carry out section 105(b).

Subpart B—State and Local Initiatives

SEC. 111. FINANCIAL ASSISTANCE FOR ADVANCE CARE PLANNING.

(a) LEGAL ASSISTANCE FOR ADVANCE CARE PLANNING.—

(1) DEFINITION OF RECIPIENT.—Section 1002(6) of the Legal Services Corporation Act (42 U.S.C. 2996a(6)) is amended by striking ''clause (A) of'' and inserting ''subparagraph (A) or (B) of''.

(2) ADVANCE CARE PLANNING.—Section 1006 of the Legal Services Corporation Act (42 U.S.C. 2996e) is amended—

(A) in subsection (a)(1)—

(i) by striking ''title, and (B) to make'' and inserting the following: ''title;

''(C) to make''; and

(ii) by inserting after subparagraph (A) the following:

''(B) to provide financial assistance, and make grants and contracts, as described in subparagraph (A), on a competitive basis for the purpose of providing legal assistance in the form of advance care planning (as defined in section 3 of the Advance Planning and Compassionate Care Act of 2009, and including providing information about State-specific advance directives, as defined in that section) for eligible clients under this title, including providing such planning to the family members of eligible clients and persons with power of attorney to make health care decisions for the clients; and''; and

(B) in subsection (b), by adding at the end the following:

''(2) Advance care planning provided in accordance with subsection (a)(1)(B) shall not be construed to violate the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14401 et seq.).''.

(3) REPORTS.—Section 1008(a) of the Legal Services Corporation Act (42 U.S.C. 2996g(a)) is amended by adding at the end the following: ''The Corporation shall require such a report, on an annual basis, from each grantee, contractor, or other recipient of financial assistance under section 1006(a)(1)(B).''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1010 of the Legal Services Corporation Act (42 U.S.C. 2996i) is amended—

(A) in subsection (a)—

(i) by striking ''(a)'' and inserting ''(a)(1)'';

(ii) in the last sentence, by striking ''Appropriations for that purpose'' and inserting the following:

''(3) Appropriations for a purpose described in paragraph (1) or (2)''; and

(iii) by inserting before paragraph (3) (as designated by clause (ii)) the following:

''(2) There are authorized to be appropriated to carry out section 1006(a)(1)(B), $10,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.''; and

(B) in subsection (d), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(5) EFFECTIVE DATE.—This subsection and the amendments made by this subsection take effect July 1, 2010.

(b) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990 to provide advance care planning services to Medicare beneficiaries, personal representatives of such beneficiaries, and the families of such beneficiaries. Such services shall include information regarding State-specific advance directives and ways to discuss individual care wishes with health care providers.

(2) REQUIREMENTS.—

(A) AWARD OF GRANTS.—In making grants under this subsection for a fiscal year, the Secretary shall satisfy the following requirements:

(i) Two-thirds of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted the Uniform Health-Care Decisions Act drafted by the National Conference of Commissioners on Uniform State Laws and approved and recommended for enactment by all States at the annual conference of such commissioners in 1993.

(ii) One-third of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted a uniform form for orders regarding life sustaining treatment as defined in section 1861(hhh)(5) of the Social Security Act (as amended by section 211 of this Act) or a comparable approach to advance care planning.

(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, a State shall submit the following to the Secretary:

(i) An approved plan for expending grant funds.

(ii) For each fiscal year for which the State is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.

(C) LIMITATION.—No State shall be paid funds from a grant made under this subsection prior to July 1, 2010.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to States under paragraph (1).

(c) MEDICAID TRANSFORMATION GRANTS FOR ADVANCE CARE PLANNING.—Section 1903(z) of the Social Security Act (42 U.S.C. 1396b(z)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(G) Methods for improving the effectiveness and efficiency of medical assistance provided under this title by making available to individuals enrolled in the State plan or under a waiver of such plan information regarding advance care planning (as defined in section 3 of the Advance Planning and Compassionate Care Act of 2009), including at time of enrollment or renewal of enrollment in the plan or waiver, through providers, and through such other innovative means as the State determines appropriate.'';

(2) in paragraph (3), by adding at the end the following new subparagraph:

''(D) WORK PLAN REQUIRED FOR AWARD OF ADVANCE CARE PLANNING GRANTS.—Payment to a State under this subsection to adopt the innovative methods described in paragraph (2)(G) is conditioned on the State submitting to the Secretary an approved plan for expending the funds awarded to the State under this subsection.''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after clause (ii), the following new clause:

''(iii) $20,000,000 for each of fiscal years 2010 through 2014.''; and

(B) by striking subparagraph (B), and inserting the following:

''(B) ALLOCATION OF FUNDS.—The Secretary shall specify a method for allocating the funds made available under this subsection among States awarded a grant for fiscal year 2010, 2011, 2012, 2013, or 2014. Such method shall provide that—

''(i) 100 percent of such funds for each of fiscal years 2010 through 2014 shall be awarded to States that design programs to adopt the innovative methods described in paragraph (2)(G); and

''(ii) in no event shall a payment to a State awarded a grant under this subsection for fiscal year 2010 be made prior to July 1, 2010.''.

(d) ADVANCE CARE PLANNING COMMUNITY TRAINING GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

(2) REQUIREMENTS.—

(A) USE OF FUNDS.—Funds awarded to an area agency on aging under this subsection shall be used to provide advance care planning education and training opportunities for local aging service providers and organizations.

(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, an area agency on aging shall submit the following to the Secretary:

(i) An approved plan for expending grant funds.

(ii) For each fiscal year for which the agency is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.

(C) LIMITATION.—No area agency on aging shall be paid funds from a grant made under this subsection prior to July 1, 2010.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to area agencies on aging under paragraph (1).

(e) NONDUPLICATION OF ACTIVITIES.—The Secretary shall establish procedures to ensure that funds made available under grants awarded under this section or pursuant to amendments made by this section supplement, not supplant, existing Federal funding, and that such funds are not used to duplicate activities carried out under such grants or under other Federally funded programs.

SEC. 112. GRANTS FOR PROGRAMS FOR ORDERS REGARDING LIFE SUSTAINING TREATMENT.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities for the purpose of—

(1) establishing new programs for orders regarding life sustaining treatment in States or localities;

(2) expanding or enhancing an existing program for orders regarding life sustaining treatment in States or localities; or

(3) providing a clearinghouse of information on programs for orders for life sustaining treatment and consultative services for the development or enhancement of such programs.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section for an area may include—

(1) developing such a program for the area that includes home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services within the area;

(2) securing consultative services and advice from institutions with experience in developing and managing such programs; and

(3) expanding an existing program for orders regarding life sustaining treatment to serve more patients or enhance the quality of services, including educational services for patients and patients' families or training of health care professionals.

(c) DISTRIBUTION OF FUNDS.—In funding grants under this section, the Secretary shall ensure that, of the funds appropriated to carry out this section for each fiscal year—

(1) at least two-thirds are used for establishing or developing new programs for orders regarding life sustaining treatment; and

(2) one-third is used for expanding or enhancing existing programs for orders regarding life sustaining treatment.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' includes—

(A) an academic medical center, a medical school, a State health department, a State medical association, a multi-State taskforce, a hospital, or a health system capable of administering a program for orders regarding life sustaining treatment for a State or locality; or

(B) any other health care agency or entity as the Secretary determines appropriate.

(2) The term ''order regarding life sustaining treatment'' has the meaning given such term in section 1861(hhh)(5) of the Social Security Act, as added by section 211.

(3) The term ''program for orders regarding life sustaining treatment'' means, with respect to an area, a program that supports the active use of orders regarding life sustaining treatment in the area.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2014.

PART II—PROVIDER EDUCATION

SEC. 121. PUBLIC PROVIDER ADVANCE CARE PLANNING WEBSITE.

(a) DEVELOPMENT.—Not later than January 1, 2010, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Agency for Healthcare Research and Quality, shall establish a website for providers under Medicare, Medicaid, the Children's Health Insurance Program, the Indian Health Service (include contract providers) and other public health providers on each individual's right to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment, and the existence of advance directives.

(b) MAINTENANCE.—The website, shall be maintained and publicized by the Secretary on an ongoing basis.

(c) CONTENT.—The website shall include content, tools, and resources necessary to do the following:

(1) Inform providers about the advance directive requirements under the health care programs described in subsection (a) and other State and Federal laws and regulations related to advance care planning.

(2) Educate providers about advance care planning quality improvement activities.

(3) Provide assistance to providers to—

(A) integrate advance directives into electronic health records, including oral directives; and

(B) develop and disseminate advance care planning informational materials for their patients.

(4) Inform providers about advance care planning continuing education requirements and opportunities.

(5) Encourage providers to discuss advance care planning with their patients of all ages.

(6) Assist providers' understanding of the continuum of end-of-life care services and supports available to patients, including palliative care and hospice.

(7) Inform providers of best practices for discussing end-of-life care with dying patients and their loved ones.

SEC. 122. CONTINUING EDUCATION FOR PHYSICIANS AND NURSES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary, acting through the Director of Health Resources and Services Administration, shall develop, in consultation with health care providers and State boards of medicine and nursing, a curriculum for continuing education that States may adopt for physicians and nurses on advance care planning and end-of-life care.

(b) CONTENT.—

(1) IN GENERAL.—The continuing education curriculum developed under subsection (a) for physicians and nurses shall, at a minimum, include—

(A) a description of the meaning and importance of advance care planning;

(B) a description of advance directives, including living wills and durable powers of attorney, and the use of such directives;

(C) palliative care principles and approaches to care; and

(D) the continuum of end-of-life services and supports, including palliative care and hospice.

(2) ADDITIONAL CONTENT FOR PHYSICIANS.—The continuing education curriculum for physicians developed under subsection (a) shall include instruction on how to conduct advance care planning with patients and their loved ones.

Subtitle B—Portability of Advance Directives; Health Information Technology

SEC. 131. PORTABILITY OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following new paragraph:

''(5)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(ii) by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following paragraph:

''(6)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advance directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(c) CHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (E) through (L) as subparagraphs (D) through (M), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) Section 1902(w) (relating to advance directives).''.

(d) STUDY AND REPORT REGARDING IMPLEMENTATION.—

(1) STUDY.—The Secretary shall conduct a study regarding the implementation of the amendments made by subsections (a) and (b).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a), (b), and (c) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) and State child health plans under title XXI of such Act (42 U.S.C. 1397aa et seq.), on or after such date as the Secretary specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act or a State child health plan under title XXI of such Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsections (b) and (c), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 132. STATE ADVANCE DIRECTIVE REGISTRIES; DRIVER'S LICENSE ADVANCE DIRECTIVE NOTATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g) is amended—

(1) by redesignating section 399R (as inserted by section 2 of Public Law 110–373) as section 399S;

(2) by redesignating section 399R (as inserted by section 3 of Public Law 110–374) as section 399T; and

(3) by adding at the end the following:

''SEC. 399U. STATE ADVANCE DIRECTIVE REGISTRIES.

''(a) STATE ADVANCE DIRECTIVE REGISTRY.—In this section, the term 'State advance directive registry' means a secure, electronic database that—

''(1) is available free of charge to residents of a State; and

''(2) stores advance directive documents and makes such documents accessible to medical service providers in accordance with Federal and State privacy laws.

''(b) GRANT PROGRAM.—Beginning on July 1, 2010, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants on a competitive basis to eligible entities to establish and operate, directly or indirectly (by competitive grant or competitive contract), State advance directive registries.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a State department of health; and

''(B) submit to the Director an application at such time, in such manner, and containing—

''(i) a plan for the establishment and operation of a State advance directive registry; and

''(ii) such other information as the Director may require.

''(2) NO REQUIREMENT OF NOTATION MECHANISM.—The Secretary shall not require that an entity establish and operate a driver's license advance directive notation mechanism for State residents under section 399V to be eligible to receive a grant under this section.

''(d) ANNUAL REPORT.—For each year for which an entity receives an award under this section, such entity shall submit an annual report to the Director on the use of the funds received pursuant to such award, including the number of State residents served through the registry.

''(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2010 and each fiscal year thereafter.

''SEC. 399V. DRIVER'S LICENSE ADVANCE DIRECTIVE NOTATION.

''(a) IN GENERAL.—Beginning July 1, 2010, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants on a competitive basis to States to establish and operate a mechanism for a State resident with a driver's license to include a notice of the existence of an advance directive for such resident on such license.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

''(1) establish and operate a State advance directive registry under section 399U; and

''(2) submit to the Director an application at such time, in such manner, and containing—

''(A) a plan that includes a description of how the State will—

''(i) disseminate information about advance directives at the time of driver's license application or renewal;

''(ii) enable each State resident with a driver's license to include a notice of the existence of an advance directive for such resident on such license in a manner consistent with the notice on such a license indicating a driver's intent to be an organ donor; and

''(iii) coordinate with the State department of health to ensure that, if a State resident has an advance directive notice on his or her driver's license, the existence of such advance directive is included in the State registry established under section 399U; and

''(B) any other information as the Director may require.

''(c) ANNUAL REPORT.—For each year for which a State receives an award under this section, such State shall submit an annual report to the Director on the use of the funds received pursuant to such award, including the number of State residents served through the mechanism.

''(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2010 and each fiscal year thereafter.''.

SEC. 133. GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

Subtitle C—National Uniform Policy on Advance Care Planning

SEC. 141. STUDY AND REPORT BY THE SECRETARY REGARDING THE ESTABLISHMENT AND IMPLEMENTATION OF A NATIONAL UNIFORM POLICY ON ADVANCE DIRECTIVES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the Office of the Assistant Secretary for Planning and Evaluation, shall conduct a thorough study of all matters relating to the establishment and implementation of a national uniform policy on advance directives for individuals receiving items and services under titles XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.; 1397aa et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary under paragraph (1) shall include issues concerning—

(A) family satisfaction that a patient's wishes, as stated in the patient's advance directive, were carried out;

(B) the portability of advance directives, including cases involving the transfer of an individual from 1 health care setting to another;

(C) immunity from civil liability and criminal responsibility for health care providers that follow the instructions in an individual's advance directive that was validly executed in, and consistent with the laws of, the State in which it was executed;

(D) conditions under which an advance directive is operative;

(E) revocation of an advance directive by an individual;

(F) the criteria used by States for determining that an individual has a terminal condition;

(G) surrogate decisionmaking regarding end-of-life care;

(H) the provision of adequate palliative care (as defined in paragraph (3)), including pain management;

(I) adequate and timely referrals to hospice care programs; and

(J) the end-of-life care needs of children and their families.

(3) PALLIATIVE CARE.—For purposes of paragraph (2)(H), the term ''palliative care'' means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) CONSULTATION.—In conducting the study and developing the report under this section, the Secretary shall consult with the Uniform Law Commissioners, and other interested parties.

TITLE II—COMPASSIONATE CARE

Subtitle A—Workforce Development

PART I—EDUCATION AND TRAINING

SEC. 201. NATIONAL GERIATRIC AND PALLIATIVE CARE SERVICES CORPS.

Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i), the following:

''(j) NATIONAL GERIATRIC AND PALLIATIVE CARE SERVICES CORPS.—

''(1) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary shall establish within the National Health Service Corps a National Geriatric and Palliative Care Services Corps (referred to in this subsection as the 'Corps') which shall consist of—

''(A) such officers of the Regular and Reserve Corps of the Service as the Secretary may designate;

''(B) such civilian employees of the United States as the Secretary may appoint; and

''(C) such other individuals who are not employees of the United States.

''(2) DUTIES.—The Corps shall be utilized by the Secretary to provide geriatric and palliative care services within health professional shortage areas.

''(3) APPLICATION OF PROVISIONS.—The loan-forgiveness, scholarship, and direct financial incentives programs provided for under this section shall apply to physicians, nurses, and other health professionals (as identified by the Secretary) with respect to the training necessary to enable such individuals to become geriatric or palliative care specialists and provide geriatric and palliative care services in health professional shortage areas.

''(4) REPORT.—Not later than 6 months prior to the date on which the Secretary establishes the Corps under paragraph (1), the Secretary shall submit to Congress a report concerning the organization of the Corps, the application process for membership in the Corps, and the funding necessary for the Corps (targeted by profession and by specialization).''.

SEC. 202. EXEMPTION OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING FROM MEDICARE GRADUATE MEDICAL EDUCATION CAPS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(1) in clause (i), by inserting ''clause (iii) and'' after ''subject to''; and

(2) by adding at the end the following new clause:

''(iii) INCREASE ALLOWED FOR PALLIATIVE MEDICINE FELLOWSHIP TRAINING.—For cost reporting periods beginning on or after January 1, 2011, in applying clause (i), there shall not be taken into account full-time equivalent residents in the field of allopathic or osteopathic medicine who are in palliative medicine fellowship training that is approved by the Accreditation Council for Graduate Medical Education.''.

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

SEC. 203. MEDICAL SCHOOL CURRICULA.

(a) IN GENERAL.—The Secretary, in consultation with the Association of American Medical Colleges, shall establish guidelines for the imposition by medical schools of a minimum amount of end-of-life training as a requirement for obtaining a Doctor of Medicine degree in the field of allopathic or osteopathic medicine.

(b) TRAINING.—Under the guidelines established under subsection (a), minimum training shall include—

(1) training in how to discuss and help patients and their loved ones with advance care planning;

(2) with respect to students and trainees who will work with children, specialized pediatric training;

(3) training in the continuum of end-of-life services and supports, including palliative care and hospice;

(4) training in how to discuss end-of-life care with dying patients and their loved ones; and

(5) medical and legal issues training.

(c) DISTRIBUTION.—Not later than January 1, 2011, the Secretary shall disseminate the guidelines established under subsection (a) to medical schools.

(d) COMPLIANCE.—Effective beginning not later than July 1, 2012, a medical school that is receiving Federal assistance shall be required to implement the guidelines established under subsection (a). A medical school that the Secretary determines is not implementing such guidelines shall not be eligible for Federal assistance.

Subtitle B—Coverage Under Medicare, Medicaid, and CHIP

PART I—COVERAGE OF ADVANCE CARE PLANNING

SEC. 211. MEDICARE, MEDICAID, AND CHIP COVERAGE.

(a) MEDICARE.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) by striking ''and'' at the end of subparagraph (DD);

(ii) by adding ''and'' at the end of subparagraph (EE); and

(iii) by adding at the end the following new subparagraph:

''(FF) advance care planning consultation (as defined in subsection (hhh)(1));''; and

(B) by adding at the end the following new subsection:

''Advance Care Planning Consultation

''(hhh)(1) Subject to paragraphs (3) and (4), the term 'advance care planning consultation' means a consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning, if, subject to subparagraphs (A) and (B) of paragraph (3), the individual involved has not had such a consultation within the last 5 years. Such consultation shall include the following:

''(A) An explanation by the practitioner of advance care planning, including key questions and considerations, important steps, and suggested people to talk to.

''(B) An explanation by the practitioner of advance directives, including living wills and durable powers of attorney, and their uses.

''(C) An explanation by the practitioner of the role and responsibilities of a health care proxy.

''(D) The provision by the practitioner of a list of national and State-specific resources to assist consumers and their families with advance care planning, including the national toll-free hotline, the advance care planning clearinghouses, and State legal service organizations (including those funded through the Older Americans Act).

''(E) An explanation by the practitioner of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

''(F)(i) Subject to clause (ii), an explanation of orders regarding life sustaining treatment or similar orders, which shall include—

''(I) the reasons why the development of such an order is beneficial to the individual and the individual's family and the reasons why such an order should be updated periodically as the health of the individual changes;

''(II) the information needed for an individual or legal surrogate to make informed decisions regarding the completion of such an order; and

''(III) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

''(ii) The Secretary may limit the requirement for explanations under clause (i) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted.

''(2) A practitioner described in this paragraph is—

''(A) a physician (as defined in subsection (r)(1)); and

''(B) a nurse practitioner or physician's assistant who has the authority under State law to sign orders for life sustaining treatments.

''(3)(A) An initial preventive physical examination under subsection (ww), including any related discussion during such examination, shall not be considered an advance care planning consultation for purposes of applying the 5-year limitation under paragraph (1).

''(B) An advance care planning consultation with respect to an individual shall be conducted more frequently than provided under paragraph (1) if there is a significant change in the health condition of the individual, including diagnosis of a chronic, progressive, life-limiting disease, a life-threatening or terminal diagnosis or life-threatening injury, or upon admission to a skilled nursing facility, a long-term care facility (as defined by the Secretary), or a hospice program.

''(4) A consultation under this subsection may include the formulation of an order regarding life sustaining treatment or a similar order.

''(5)(A) For purposes of this section, the term 'order regarding life sustaining treatment' means, with respect to an individual,

an actionable medical order relating to the treatment of that individual that—

''(i) is signed and dated by a physician (as defined in subsection (r)(1)) or another health care professional (as specified by the Secretary and who is acting within the scope of the professional's authority under State law in signing such an order) and is in a form that permits it to stay with the patient and be followed by health care professionals and providers across the continuum of care, including home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services;

''(ii) effectively communicates the individual's preferences regarding life sustaining treatment, including an indication of the treatment and care desired by the individual;

''(iii) is uniquely identifiable and standardized within a given locality, region, or State (as identified by the Secretary);

''(iv) is portable across care settings; and

''(v) may incorporate any advance directive (as defined in section 1866(f)(3)) if executed by the individual.

''(B) The level of treatment indicated under subparagraph (A)(ii) may range from an indication for full treatment to an indication to limit some or all or specified interventions. Such indicated levels of treatment may include indications respecting, among other items—

''(i) the intensity of medical intervention if the patient is pulseless, apneic, or has serious cardiac or pulmonary problems;

''(ii) the individual's desire regarding transfer to a hospital or remaining at the current care setting;

''(iii) the use of antibiotics; and

''(iv) the use of artificially administered nutrition and hydration.''.

(2) PAYMENT.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(FF),'' after ''(2)(EE),''.

(3) FREQUENCY LIMITATION.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (N), by striking ''and'' at the end;

(ii) in subparagraph (O) by striking the semicolon at the end and inserting '', and''; and

(iii) by adding at the end the following new subparagraph:

''(P) in the case of advance care planning consultations (as defined in section 1861(hhh)(1)), which are performed more frequently than is covered under such section;''; and

(B) in paragraph (7), by striking ''or (K)'' and inserting ''(K), or (P)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to consultations furnished on or after January 1, 2011.

(b) MEDICAID.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by striking ''and (21)'' and inserting '', (21), and (28)''.

(2) MEDICAL ASSISTANCE.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) in paragraph (27), by striking ''and'' at the end;

(ii) by redesignating paragraph (28) as paragraph (29); and

(iii) by inserting after paragraph (27) the following new paragraph:

''(28) advance care planning consultations (as defined in subsection (y));''; and

(B) by adding at the end the following:

''(y)(1) For purposes of subsection (a)(28), the term 'advance care planning consultation' means a consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning, if, subject to paragraph (3), the individual involved has not had such a consultation within the last 5 years. Such consultation shall include the following:

''(A) An explanation by the practitioner of advance care planning, including key questions and considerations, important steps, and suggested people to talk to.

''(B) An explanation by the practitioner of advance directives, including living wills and durable powers of attorney, and their uses.

''(C) An explanation by the practitioner of the role and responsibilities of a health care proxy.

''(D) The provision by the practitioner of a list of national and State-specific resources to assist consumers and their families with advance care planning, including the national toll-free hotline, the advance care planning clearinghouses, and State legal service organizations (including those funded through the Older Americans Act).

''(E) An explanation by the practitioner of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

''(F)(i) Subject to clause (ii), an explanation of orders for life sustaining treatments or similar orders, which shall include—

''(I) the reasons why the development of such an order is beneficial to the individual and the individual's family and the reasons why such an order should be updated periodically as the health of the individual changes;

''(II) the information needed for an individual or legal surrogate to make informed decisions regarding the completion of such an order; and

''(III) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

''(ii) The Secretary may limit the requirement for explanations under clause (i) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted.

''(2) A practitioner described in this paragraph is—

''(A) a physician (as defined in section 1861(r)(1)); and

''(B) a nurse practitioner or physician's assistant who has the authority under State law to sign orders for life sustaining treatments.

''(3) An advance care planning consultation with respect to an individual shall be conducted more frequently than provided under paragraph (1) if there is a significant change in the health condition of the individual including diagnosis of a chronic, progressive, life-limiting disease, a life-threatening or terminal diagnosis or life-threatening injury, or upon admission to a nursing facility, a long-term care facility (as defined by the Secretary), or a hospice program.

''(4) A consultation under this subsection may include the formulation of an order regarding life sustaining treatment or a similar order.

''(5) For purposes of this subsection, the term 'orders regarding life sustaining treatment' has the meaning given that term in section 1861(hhh)(5).''.

(c) CHIP.—

(1) CHILD HEALTH ASSISTANCE.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj) is amended—

(A) by redesignating paragraph (28) as paragraph (29); and

(B) by inserting after paragraph (27), the following:

''(28) Advance care planning consultations (as defined in section 1905(y)).''.

(2) MANDATORY COVERAGE.—

(A) IN GENERAL.—Section 2103 of such Act (42 U.S.C. 1397cc), is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''and (7)'' and inserting ''(7), and (9)''; and

(ii) in subsection (c), by adding at the end the following:

''(9) END-OF-LIFE CARE.—The child health assistance provided to a targeted low-income child shall include coverage of advance care planning consultations (as defined in section 1905(y) and at the same payment rate as the rate that would apply to such a consultation under the State plan under title XIX).''.

(B) CONFORMING AMENDMENT.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397bb(a)(7)(B)) is amended by striking ''section 2103(c)(5)'' and inserting ''paragraphs (5) and (9) of section 2103(c)''.

(d) DEFINITION OF ADVANCE DIRECTIVE UNDER MEDICARE, MEDICAID, AND CHIP.—

(1) MEDICARE.—Section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)) is amended by striking ''means'' and all that follows through the period and inserting ''means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.''.

(2) MEDICAID AND CHIP.—Section 1902(w)(4) of such Act (42 U.S.C. 1396a(w)(4)) is amended by striking ''means'' and all that follows through the period and inserting ''means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.''.

(e) EFFECTIVE DATE.—The amendments made by this section take effect January 1, 2010.

PART II—HOSPICE

SEC. 221. ADOPTION OF MEDPAC HOSPICE PAYMENT METHODOLOGY RECOMMENDATIONS.

Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended by adding at the end the following new paragraph:

''(6)(A) The Secretary shall conduct an evaluation of the recommendations of the Medicare Payment Commission for reforming the hospice care benefit under this title that are contained in chapter 6 of the Commission's report entitled 'Report to Congress: Medicare Payment Policy (March 2009)', including the impact that such recommendations if implemented would have on access to care and the quality of care. In conducting such evaluation, the Secretary shall take into account data collected in accordance with section 263(b) of the Advance Planning and Compassionate Care Act of 2009.

''(B) Based on the results of the examination conducted under subparagraph (A), the

Secretary shall make appropriate refinements to the recommendations described in subparagraph (A). Such refinements shall take into account—

''(i) the impact on patient populations with longer that average lengths of stay;

''(ii) the impact on populations with shorter that average lengths of stay; and

''(iii) the utilization patterns of hospice providers in underserved areas, including rural hospices.

''(C) Not later than January 1, 2013, the Secretary shall submit to Congress a report that contains a detailed description of—

''(i) the refinements determined appropriate by the Secretary under subparagraph (B);

''(ii) the revisions that the Secretary will implement through regulation under this title pursuant to subparagraph (D); and

''(iii) the revisions that the Secretary determines require additional legislative action by Congress.

''(D)(i) The Secretary shall implement the recommendations described in subparagraph (A), as refined under subparagraph (B).

''(ii) Subject to clause (iii), the implementation of such recommendations shall apply to hospice care furnished on or after January 1, 2014.

''(iii) The Secretary shall establish an appropriate transition to the implementation of such recommendations.

''(E) For purposes of carrying out the provisions of this paragraph, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817, of such sums as may be necessary to the Centers for Medicare & Medicaid Services Program Management Account.''.

SEC. 222. REMOVING HOSPICE INPATIENT DAYS IN SETTING PER DIEM RATES FOR CRITICAL ACCESS HOSPITALS.

Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)), as amended by section 4102(b)(2) of the HITECH Act (Public Law 111–5), is amended by adding at the end the following new paragraph:

''(6) For cost reporting periods beginning on or after January 1, 2011, the Secretary shall remove Medicare-certified hospice inpatient days from the calculation of per diem rates for inpatient critical access hospital services.''.

SEC. 223. HOSPICE PAYMENTS FOR DUAL ELIGIBLE INDIVIDUALS RESIDING IN LONG-TERM CARE FACILITIES.

(a) IN GENERAL.—Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new subsection:

''(f) PAYMENTS FOR DUAL ELIGIBLE INDIVIDUALS RESIDING IN LONG-TERM CARE FACILITIES.—For cost reporting periods beginning on or after January 1, 2011, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall establish procedures under which payments for room and board under the State Medicaid plan with respect to an applicable individual are made directly to the long-term care facility (as defined by the Secretary for purposes of title XIX) the individual is a resident of. For purposes of the preceding sentence, the term 'applicable individual' means an individual who is entitled to or enrolled for benefits under part A or enrolled for benefits under part B and is eligible for medical assistance for hospice care under a State plan under title XIX.''.

(b) STATE PLAN REQUIREMENT.—

(1) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (72), by striking ''and'' at the end;

(B) in paragraph (73), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (73) the following new paragraph:

''(74) provide that the State will make payments for room and board with respect to applicable individuals in accordance with section 1888(f).''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) take effect on January 1, 2011.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (1), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 224. DELINEATION OF RESPECTIVE CARE RESPONSIBILITIES OF HOSPICE PROGRAMS AND LONG-TERM CARE FACILITIES.

Section 1888 of the Social Security Act (42 U.S.C. 1395yy), as amended by section 223(a), is amended by adding at the end the following new subsection:

''(g) DELINEATION OF RESPECTIVE CARE RESPONSIBILITIES OF HOSPICE PROGRAMS AND LONG-TERM CARE FACILITIES.—Not later than July 1, 2011, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall delineate and enforce the respective care responsibilities of hospice programs and long-term care facilities (as defined by the Secretary for purposes of title XIX) with respect to individuals residing in such facilities who are furnished hospice care.''.

SEC. 225. ADOPTION OF MEDPAC HOSPICE PROGRAM ELIGIBILITY CERTIFICATION AND RECERTIFICATION RECOMMENDATIONS.

In accordance with the recommendations of the Medicare Payment Advisory Commission contained in the March 2009 report entitled ''Report to Congress: Medicare Payment Policy'', section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end; and

(2) by adding at the end the following new subparagraph:

''(D) on or after January 1, 2011—

''(i) a hospice physician or advance practice nurse visits the individual to determine continued eligibility of the individual for hospice care prior to the 180th-day recertification and each subsequent recertification under subparagraph (A)(ii) and attests that such visit took place (in accordance with procedures established by the Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services); and

''(ii) any certification or recertification under subparagraph (A) includes a brief narrative describing the clinical basis for the individual's prognosis (in accordance with procedures established by the Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services); and''.

SEC. 226. CONCURRENT CARE FOR CHILDREN.

(a) PERMITTING MEDICARE HOSPICE BENEFICIARIES 18 YEARS OF AGE OR YOUNGER TO RECEIVE CURATIVE CARE.—

(1) IN GENERAL.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(A) in subsection (a)(4), by inserting ''(subject to the second sentence of subsection (d)(2)(A))'' after ''in lieu of certain other benefits''; and

(B) in subsection (d)—

(i) in paragraph (1), by inserting '' , subject to the second sentence of paragraph (2)(A),'' after ''instead''; and

(ii) in paragraph (2)(A), by adding at the end the following new sentence: ''Clause (ii)(I) shall not apply to an individual who is 18 years of age or younger.''

(2) CONFORMING AMENDMENT.—Section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)) is amended inserting ''subject to the second sentence of section 1812(d)(2)(A),'' after ''hospice care,''.

(b) APPLICATION TO MEDICAID AND CHIP.—

(1) MEDICAID.—Section 1905(o)(1)(A) of the Social Security Act (42 U.S.C. 1395d(o)(1)(A)) is amended by inserting ''(subject, in the case of an individual who is a child, to the second sentence of such section)'' after ''section 1812(d)(2)(A)''.

(2) CHIP.—Section 2110(a)(23) of the Social Security Act (42 U.S.C. 1397jj(a)(23)) is amended by inserting ''(concurrent, in the case of an individual who is a child, with care related to the treatment of the individual's condition with respect to which a diagnosis of terminal illness has been made)'' after ''hospice care''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2011.

SEC. 227. MAKING HOSPICE A REQUIRED BENEFIT UNDER MEDICAID AND CHIP.

(a) MANDATORY BENEFIT.—

(1) MEDICAID.—

(A) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)), as amended by section 211(b)(1), is amended in the matter preceding clause (i) by inserting ''(18),'' after ''(17),''.

(B) CONFORMING AMENDMENT.—Section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) is amended—

(i) in clause (iii)—

(I) in subclause (I), by inserting ''and hospice care'' after ''ambulatory services''; and

(II) in subclause (II), by inserting ''and hospice care'' after ''delivery services''; and

(ii) in clause (iv), by inserting ''and (18)'' after ''(17)''.

(2) CHIP.—Section 2103(c)(9) of such Act (42 U.S.C. 1397cc(c)(9))), as added by section 211(c)(2)(A), is amended by inserting ''and hospice care'' before the period.

(b) EFFECTIVE DATE.—The amendments made subsection (a) take effect on January 1, 2011.

SEC. 228. MEDICARE HOSPICE PAYMENT MODEL DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—Not later than July 1, 2012, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Agency for Healthcare Research and Quality, shall conduct demonstration projects to examine ways to improve how the Medicare hospice care benefit predicts disease trajectory. Projects shall include the following models:

(1) Models that better and more appropriately care for, and transition as needed, patients in their last years of life who need palliative care, but do not qualify for hospice care under the Medicare hospice eligibility criteria.

(2) Models that better and more appropriately care for long-term patients who are not recertified in hospice but still need palliative care.

(3) Any other models determined appropriate by the Secretary.

(b) WAIVER AUTHORITY.—The Secretary may waive compliance of such requirements of titles XI and XVIII of the Social Security Act as the Secretary determines necessary to conduct the demonstration projects under this section.

(c) REPORTS.—The Secretary shall submit to Congress periodic reports on the demonstration projects conducted under this section.

SEC. 229. MEDPAC STUDIES AND REPORTS.

(a) STUDY AND REPORT REGARDING AN ALTERNATIVE PAYMENT METHODOLOGY FOR HOSPICE CARE UNDER THE MEDICARE PROGRAM.—

(1) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on the establishment of a reimbursement system for hospice care furnished under the Medicare program that is based on diagnoses. In conducting such study, the Commission shall use data collected under new provider data requirements. Such study shall include an analysis of the following:

(A) Whether such a reimbursement system better meets patient needs and better corresponds with provider resource expenditures than the current system.

(B) Whether such a reimbursement system improves quality, including facilitating standardization of care toward best practices and diagnoses-specific clinical pathways in hospice.

(C) Whether such a reimbursement system could address concerns about the blanket 6-month terminal prognosis requirement in hospice.

(D) Whether such a reimbursement system is more cost effective than the current system.

(E) Any other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2013, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(b) STUDY AND REPORT REGARDING RURAL HOSPICE TRANSPORTATION COSTS UNDER THE MEDICARE PROGRAM.—

(1) STUDY.—The Commission shall conduct a study on rural Medicare hospice transportation mileage to determine potential Medicare reimbursement changes to account for potential higher costs.

(2) REPORT.—Not later than June 15, 2013, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) EVALUATION OF REIMBURSEMENT DISINCENTIVES TO ELECT MEDICARE HOSPICE WITHIN THE MEDICARE SKILLED NURSING FACILITY BENEFIT.—

(1) STUDY.—The Commission shall conduct a study to determine potential Medicare reimbursement changes to remove Medicare reimbursement disincentives for patients in a skilled nursing facility who want to elect hospice.

(2) REPORT.—Not later than June 15, 2013, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Commission determines appropriate.

SEC. 230. HHS EVALUATIONS.

(a) EVALUATION OF ACCESS TO HOSPICE AND HOSPITAL-BASED PALLIATIVE CARE.—

(1) EVALUATION.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall conduct an evaluation of geographic areas and populations underserved by hospice and hospital-based palliative care to identify potential barriers to access.

(2) REPORT.—Not later than December 31, 2012, the Secretary shall report to Congress, on the evaluation conducted under subsection (a) together with recommendations for such legislation and administrative action as the Secretary determines appropriate to address barriers to access to hospice and hospital-based palliative care.

(b) EVALUATION OF AWARENESS AND USE OF HOSPICE RESPITE CARE UNDER MEDICARE, MEDICAID, AND CHIP.—

(1) EVALUATION.—The Secretary, acting through the Director of the Centers for Medicare and Medicaid Services, shall evaluate the awareness and use of hospice respite care by informal caregivers of beneficiaries under Medicare, Medicaid, and CHIP.

(2) REPORT.—Not later than December 31, 2010, the Secretary shall report to Congress, on the evaluation conducted under subsection (a) together with recommendations for such legislation and administrative action as the Secretary determines appropriate to increase awareness or use of hospice respite care under Medicare, Medicaid, and CHIP.

Subtitle C—Quality Improvement

SEC. 241. PATIENT SATISFACTION SURVEYS.

Not later than January 1, 2012, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall establish a mechanism for—

(1) collecting information from patients (or their health care proxies or families members in the event patients are unable to speak for themselves) in relevant provider settings regarding their care at the end of life; and

(2) incorporating such information in a timely manner into mechanisms used by the Administrator to provide quality of care information to consumers, including the Hospital Compare and Nursing Home Compare websites maintained by the Administrator.

SEC. 242. DEVELOPMENT OF CORE END-OF-LIFE CARE QUALITY MEASURES ACROSS EACH RELEVANT PROVIDER SETTING.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Agency for Healthcare Research and Quality (in this section referred to as the ''Administrator'') and in consultation with the Director of the National Institutes of Health, shall require specific end-of-life quality measures for each relevant provider setting, as identified by the Administrator, in accordance with the requirements of subsection (b).

(b) REQUIREMENTS.—For purposes of subsection (a), the requirements specified in this subsection are the following:

(1) Selection of the specific measure or measures for an identified provider setting shall be—

(A) based on an assessment of what is likely to have the greatest positive impact on quality of end-of-life care in that setting; and

(B) made in consultation with affected providers and public and private organizations, that have developed such measures.

(2) The measures may be structure-oriented, process-oriented, or outcome-oriented, as determined appropriate by the Administrator.

(3) The Administrator shall ensure that reporting requirements related to such measures are imposed consistent with other applicable laws and regulations, and in a manner that takes into account existing measures, the needs of patient populations, and the specific services provided.

(4) Not later than—

(A) April 1, 2011, the Secretary shall disseminate the reporting requirements to all affected providers; and

(B) April 1, 2012, initial reporting relating to the measures shall begin.

SEC. 243. ACCREDITATION OF HOSPITAL-BASED PALLIATIVE CARE PROGRAMS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall designate a public or private agency, entity, or organization to develop requirements, standards, and procedures for accreditation of hospital-based palliative care programs.

(b) REPORTING.—Not later than January 1, 2012, the Secretary shall prepare and submit a report to Congress on the proposed accreditation process for hospital-based palliative care programs.

(c) ACCREDITATION.—Not later than July 1, 2012, the Secretary shall—

(1) establish and promulgate standards and procedures for accreditation of hospital-based palliative care programs; and

(2) designate an agency, entity, or organization that shall be responsible for certifying such programs in accordance with the standards established under paragraph (1).

(d) DEFINITIONS.—For the purposes of this section:

(1) The term ''hospital-based palliative care program'' means a hospital-based program that is comprised of an interdisciplinary team that specializes in providing palliative care services and consultations in a variety of health care settings, including hospitals, nursing homes, and home and community-based services.

(2) The term ''interdisciplinary team'' means a group of health care professionals (consisting of, at a minimum, a doctor, a nurse, and a social worker) that have received specialized training in palliative care.

SEC. 244. SURVEY AND DATA REQUIREMENTS FOR ALL MEDICARE PARTICIPATING HOSPICE PROGRAMS.

(a) HOSPICE SURVEYS.—Section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)) is amended by adding at the end the following new paragraph:

''(6) In accordance with the recommendations of the Medicare Payment Advisory Commission contained in the March 2009 report entitled 'Report to Congress: Medicare Payment Policy', the Secretary shall establish, effective July 1, 2010, the following survey requirements for hospice programs:

''(A) Any hospice program seeking initial certification under this title on or after that date shall be subject to an initial survey by an appropriate State or local agency, or an approved accreditation agency, not later than 6 months after the program first seeks such certification.

''(B) All hospice programs certified for participation under this title shall be subject to a standard survey by an appropriate State or local agency, or an approved accreditation agency, at least every 3 years after initially being so certified.''.

(b) REQUIRED HOSPICE RESOURCE INPUTS DATA.—Section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)), as amended by subsection (a), is amended—

(1) in paragraph (3)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following new subparagraph:

''(G) to comply with the reporting requirements under paragraph (7); and''; and

(2) by adding at the end the following new paragraph:

''(7)(A) In accordance with the recommendations of the Medicare Payment Advisory Commission for additional data (as

contained in the March 2009 report entitled 'Report to Congress: Medicare Payment Policy'), beginning January 1, 2011, a hospice program shall report to the Secretary, in such form and manner, and at such intervals, as the Secretary shall require, the following data with respect to each patient visit:

''(i) Visit type (such as admission, routine, emergency, education for family, other).

''(ii) Visit length.

''(iii) Professional or paraprofessional disciplines involved in the visit, including nurse, social worker, home health aide, physician, nurse practitioner, chaplain or spiritual counselor, counselor, dietician, physical therapist, occupational therapist, speech language pathologist, music or art therapist, and including bereavement and support services provided to a family after a patient's death.

''(iv) Drugs and other therapeutic interventions provided.

''(v) Home medical equipment and other medical supplies provided.

''(B) In collecting the data required under subparagraph (A), the Secretary shall ensure that the data are reported in a manner that allows for summarized cross-tabulations of the data by patients' terminal diagnoses, lengths of stay, age, sex, and race.''.

Subtitle D—Additional Reports, Research, and Evaluations

SEC. 251. NATIONAL CENTER ON PALLIATIVE AND END-OF-LIFE CARE.

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

''Subpart 7—National Center on Palliative and End-of-Life Care

''SEC. 485J. NATIONAL CENTER ON PALLIATIVE AND END-OF-LIFE CARE.

''(a) ESTABLISHMENT.—Not later than July 1, 2011, there shall be established within the National Institutes of Health, a National Center on Palliative and End-of-Life Care (referred to in this section as the 'Center').

''(b) PURPOSE.—The general purpose of the Center is to conduct and support research relating to palliative and end-of-life care interventions and approaches.

''(c) ACTIVITIES.—The Center shall—

''(1) develop and continuously update a research agenda with the goal of—

''(A) providing a better biomedical understanding of the end of life; and

''(B) improving the quality of care and life at the end of life; and

''(2) provide funding for peer-review-selected extra- and intra-mural research that includes the evaluation of existing, and the development of new, palliative and end-of-life care interventions and approaches.''.

SEC. 252. NATIONAL MORTALITY FOLLOWBACK SURVEY.

(a) IN GENERAL.—Not later than December 31, 2010, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall renew and conduct the National Mortality Followback Survey (referred to in this section as the ''Survey'') to collect data on end-of-life care.

(b) PURPOSE.—The purpose of the Survey shall be to gain a better understanding of current end-of-life care in the United States.

(c) QUESTIONS.—

(1) IN GENERAL.—In conducting the Survey, the Director of the Centers for Disease Control and Prevention shall, at a minimum, include the following questions with respect to the loved one of a respondent:

(A) Did he or she have an advance directive, and if so, when it was completed.

(B) Did he or she have an order for life-sustaining treatment, and if so, when was it completed.

(C) Did he or she have a durable power of attorney, and if so, when it was completed.

(D) Had he or she discussed his or her wishes with loved ones, and if so, when.

(E) Had he or she discussed his or her wishes with his or her physician, and if so, when.

(F) In the opinion of the respondent, was he or she satisfied with the care he or she received in the last year of life and in the last week of life.

(G) Was he or she cared for by hospice, and if so, when.

(H) Was he or she cared for by palliative care specialists, and if so, when.

(I) Did he or she receive effective pain management (if needed).

(J) What was the experience of the main caregiver (including if such caregiver was the respondent), and whether he or she received sufficient support in this role.

(2) ADDITIONAL QUESTIONS.—Additional questions to be asked during the Survey shall be determined by the Director of the Centers for Disease Control and Prevention on an ongoing basis with input from relevant research entities.

SEC. 253. DEMONSTRATION PROJECTS FOR USE OF TELEMEDICINE SERVICES IN ADVANCE CARE PLANNING.

(a) IN GENERAL.—Not later than July 1, 2013, the Secretary shall establish a demonstration program to reimburse eligible entities for costs associated with the use of telemedicine services (including equipment and connection costs) to provide advance care planning consultations with geographically distant physicians and their patients.

(b) DURATION.—The demonstration project under this section shall be conducted for at least a 3-year period.

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

(1) The term ''eligible entity'' means a physician or an advance practice nurse who provides services pursuant to a hospital-based palliative care program (as defined in section 262(d)(1)).

(2) The term ''geographically distant'' has the meaning given that term by the Secretary for purposes of conducting the demonstration program established under this section.

(3) The term ''telemedicine services'' means a service or consultation provided via telecommunication equipment that allows an eligible entity to exchange or discuss medical information with a patient or a health care professional at a separate location through real-time videoconferencing, or a similar format, for the purpose of providing health care diagnosis and treatment.

(d) FUNDING.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 254. INSPECTOR GENERAL INVESTIGATION OF FRAUD AND ABUSE.

In accordance with the recommendations of the Medicare Payment Advisory Commission for additional data (as contained in the March 2009 report entitled ''Report to Congress: Medicare Payment Policy''), the Secretary shall direct the Office of the Inspector General of the Department of Health and Human Services to investigate, not later than January 1, 2012, the following with respect to hospice benefit under Medicare, Medicaid, and CHIP:

(1) The prevalence of financial relationships between hospices and long-term care facilities, such as nursing facilities and assisted living facilities, that may represent a conflict of interest and influence admissions to hospice.

(2) Differences in patterns of nursing home referrals to hospice.

(3) The appropriateness of enrollment practices for hospices with unusual utilization patterns (such as high frequency of very long stays, very short stays, or enrollment of patients discharged from other hospices).

(4) The appropriateness of hospice marketing materials and other admissions practices and potential correlations between length of stay and deficiencies in marketing or admissions practices.

SEC. 255. GAO STUDY AND REPORT ON PROVIDER ADHERENCE TO ADVANCE DIRECTIVES.

Not later than January 1, 2012, the Comptroller General of the United States shall conduct a study of the extent to which providers comply with advance directives under the Medicare and Medicaid programs and shall submit a report to Congress on the results of such study, together with such recommendations for administrative or legislative changes as the Comptroller General determines appropriate.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Ms. SNOWE)):

S. 1151. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce with my distinguished colleague Senator OLYMPIA SNOWE, bipartisan legislation known as the State Child Well-Being Research Act of 2009. Companion legislation has already been introduced in the House by Congressmen FATTAH and CAMP. This bill is designed to enhance child well-being by requiring the Secretary of Health and Human Services to facilitate the collection of state-specific data based on a defined set of indicators. The well-being of children is important to both national and State governments. Therefore, data collection is a priority that cannot be ignored if we hope to make informed decisions on public policy.

In 1996, Congress passed bold legislation, which I supported to dramatically change our welfare system. The driving force behind this reform was to promote the work and self-sufficiency of families and to provide the flexibility to States necessary to achieve these goals. States, which is where most child and family legislation takes place, have used this flexibility to design different programs that work better for the families who rely on them. The design and benefits available under other programs that serve children, ranging from the Children Health Insurance Program, CHIP, to child welfare services, can vary widely among States.

It is obvious that in order for policy makers to evaluate child well-being, we need state-specific data on child well-being to measure the results. Current surveys provide minimal data on some important indicators of child well-being, but insufficient data is available on low-income families, geographic variation, and young children. Additionally, the information is not provided in a timely manner, which impedes legislators' ability to effectively measure child well-being and design effective programs to support our children.

The State Child Well-Being Research Act of 2009 is intended to fill this information gap by collecting up-to-date, State-specific data that can be used by policymakers, researchers, and child advocates to assess the well-being of children. As we strive to promote quality programs, we need basic benchmarks to measure outcomes. Our bill would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual states, be consistent across states, be collected annually, articulate results in easy to understand terms, and focus on low-income children and families. This legislation also establishes an advisory committee, consisting of a panel of experts who specialize in survey methodology and indicators of child well-being, and the application of this data to ensure that the purpose is being achieved.

Further, this bill avoids some of the problems in the current system by making data files easier to use and more readily available to the public. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families. Finally, this legislation also offers the potential for the Health and Human Service Department to partner with private charitable foundations, like the Annie E. Casey Foundations, which has already expressed an interest in forming a partnership to provide outreach, support and a guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense to meet this essential need.

I hope my colleagues review this legislation carefully and choose to support it so that Federal and state policy makers and advocates have the information necessary to make good decisions for children.

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. 1151

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 ''State Child Well-Being Research Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The well-being of children is a paramount concern for our Nation and for every State, and most programs for children and families are managed at the State or local level.

(2) Child well-being varies over time and across social, economic, and geographic groups, and can be affected by changes in the circumstances of families, by the economy, by the social and cultural environment, and by public policies and programs at the Federal, State, and local level.

(3) States, including small States, need information about child well-being that is specific to their State and that is up-to-date, cost-effective, and consistent across States and over time.

(4) Regular collection of child well-being information at the State level is essential so that Federal and State officials can track child well-being over time.

(5) Information on child well-being is necessary for all States, particularly small States that do not have State-level data in other federally supported databases. Information is needed on the well-being of all children, not just children participating in Federal programs.

(6) Telephone surveys of parents represent a relatively cost-effective strategy for obtaining information on child well-being at the State level for all States, including small States, and can be conducted alone or in mixed mode strategy with other survey techniques.

(7) Data from telephone surveys of the population are currently used to monitor progress toward many important national goals, including immunization of preschool children with the National Immunization Survey, and the identification of health care issues of children with special needs with the National Survey of Children with Special Health Care Needs.

(8) A State-level telephone survey, alone or in combination with other techniques, can provide information on a range of topics, including children's social and emotional development, education, health, safety, family income, family employment, and child care. Information addressing marriage and family structure can also be obtained for families with children. Information obtained from such a survey would not be available solely for children or families participating in programs but would be representative of the entire State population and consequently, would inform welfare policymaking on a range of important issues, such as income support, child care, child abuse and neglect, child health, family formation, and education.

SEC. 3. RESEARCH ON INDICATORS OF CHILD WELL-BEING.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) INDICATORS OF CHILD WELL-BEING.—

''(1) RENAMING OF SURVEY.—On and after the date of the enactment of this subsection, the National Survey of Children's Health conducted by the Director of the Maternal and Child Health Bureau of the Health Resources and Services Administration shall be known as the 'Survey of Children's Health and Well-Being'.

''(2) MODIFICATION OF SURVEY TO INCLUDE MATTERS RELATING TO CHILD WELL-BEING.—The Secretary shall modify the survey so that it may be used to better assess child well-being, as follows:

''(A) NEW INDICATORS INCLUDED.—The indicators with respect to which the survey collects information shall include measures of child-well-being related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Physical and mental health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) COLLECTION REQUIREMENTS.—The data collected with respect to the indicators developed under subparagraph (A) shall be—

''(i) statistically representative at the State and national level;

''(ii) consistent across States, except that data shall be collected in States other than the 50 States and the District of Columbia only if technically feasible;

''(iii) collected on an annual or ongoing basis;

''(iv) measured with reliability;

''(v) current;

''(vi) over-sampled (if feasible), with respect to low-income children and families, so that subgroup estimates can be produced by a variety of income categories (such as for 50, 100, and 200 percent of the poverty level, and for children of varied ages, such as 0–5, 6–11, 12–17, and (if feasible) 18–21 years of age); and

''(vii) made publicly available.

''(C) OTHER REQUIREMENTS.—

''(i) PUBLICATION.—The data collected with respect to the indicators developed under subparagraph (A) shall be published as absolute numbers and expressed in terms of rates or percentages.

''(ii) AVAILABILITY OF DATA.—A data file shall be made available to the public, subject to confidentiality requirements, that includes the indicators, demographic information, and ratios of income to poverty.

''(iii) SAMPLE SIZES.—Sample sizes used for the collected data shall be adequate for microdata on the categories included in subparagraph (B)(vi) to be made publicly available, subject to confidentiality requirements.

''(D) CONSULTATION.—

''(i) IN GENERAL.—In developing the indicators under subparagraph (A) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with a subcommittee of the Federal Interagency Forum on Child and Family Statistics, which shall include representatives with expertise on all the domains of child well-being described in subparagraph (A). The subcommittee shall have appropriate staff assigned to work with the Maternal and Child Health Bureau during the design phase of the survey.

''(ii) DUTIES.—The Secretary shall consult with the subcommittee referred to in clause (i) with respect to the design, content, and methodology for the development of the indicators under subparagraph (A) and the collection of data regarding the indicators, and the availability or lack thereof of similar data through other Federal data collection efforts.

''(iii) COSTS.—Costs incurred by the subcommittee with respect to the development of the indicators and the collection of data related to the indicators shall be treated as costs of the survey.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary, in consultation with the Federal Interagency Forum on Child and Family Statistics, shall establish an advisory panel of experts to make recommendations regarding—

''(i) the additional matters to be addressed by the survey by reason of this subsection; and

''(ii) the methods, dissemination strategies, and statistical tools necessary to conduct the survey as a whole.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) of this paragraph shall include experts on each of the domains of child well-being described in paragraph (2)(A), experts on child indicators, experts from State agencies and from nonprofit organizations that use child indicator data at the State level, and experts on survey methodology.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of the enactment of this subsection.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of this subsection; and

''(ii) annually thereafter for the 4 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2014, $20,000,000 for the purpose of carrying out this subsection.''.

SEC. 4. GAO REPORT ON COLLECTION AND REPORTING OF DATA ON DEATHS OF CHILDREN IN FOSTER CARE.

(a) IN GENERAL.—Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine, and submit to the Congress a written report on the adequacy of, the methods of collecting and reporting data on deaths of children in the child welfare system.

(b) MATTERS TO BE CONSIDERED.—In the study, the Comptroller General shall, for each year for which data are available, determine—

(1) the number of children eligible for services or benefits under part B or E of title IV of the Social Security Act who States reported as having died due to abuse or neglect;

(2) the number of children so eligible who died due to abuse or neglect but were not accounted for in State reports; and

(3) the number of children in State child welfare systems who died due to abuse or neglect and whose deaths are not included in the data described in paragraph (1) or (2).

(c) RECOMMENDATIONS.—In the report, the Comptroller General shall include recommendations on how surveys of children by the Federal Government and by State governments can be improved to better capture all data on the death of children in the child welfare system, so that the Congress can work with the States to develop better policies to improve the well-being of children and reduce child deaths.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, MRS. BOXER!, MR. FEINGOLD, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. BURR, and Mrs. GILLIBRAND)):

S. 1152. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, in this turbulent economy, working families are facing enormous challenges. Too many families are living paycheck to paycheck, just one layoff or health crisis away from disaster. Now more than ever, workers are struggling to balance the demands of their jobs and their families. When a sickness or health problem arises, these challenges can easily become insurmountable.

Unfortunately, almost half of all private sector workers—including 79 percent of low-wage workers—have no paid sick days they can use to care for themselves or a sick family member. For these workers, taking a day off to care for their own health or a sick child means losing a much-needed paycheck, or even putting their jobs in danger. In a recent survey, 1 in 6 workers reported that they or a family member have been fired, punished or threatened with termination for taking time off because of their own illness or to care for a sick relative.

Workers can't afford to take that kind of risk now. Losing even one paycheck can mean falling behind on bills, foregoing needed medicines, or skipping meals. As a result, many employees continue to go to work when they are ill, and send their children to school or day care sick, because it's the only way to make ends meet.

The lack of paid sick day is not just a crisis for individual families—it is a public health crisis as well. The current flu outbreak provides a compelling illustration. To prevent the spread of the virus, the World Health Organization, the Center for Disease Control, and numerous state and local public health officials urged people to stay home from work or school if they flu-like symptoms. Strong scientific evidence proves that this is one of the best ways to prevent the spread of disease and protect the public health.

But without paid sick days, following this sound advice is often impossible—millions of employees want to do the right thing and stay home, but our current laws just do not protect them. The Family and Medical Leave Act enables workers to take time off for serious health conditions, but only about half of today's workers are covered by the act, and millions more can not take advantage of it because this leave is unpaid.

Hardworking Americans should not have to make these impossible choices. That's why Senator DODD, Representative ROSA DELAURO and I are introducing the Healthy Families Act, which will enable workers to take up to 56 hours, or about 7 days, of paid sick leave each year. Employees can use this time to stay home and get well when they are ill, to care for a sick family member, to obtain preventive or diagnostic treatment, or to seek help if they are victims of domestic violence.

This important legislation will provide needed security for working families struggling to balance the jobs they need and the families they love. It will improve public health and reduce health costs by preventing the spread of disease and giving employees the access they need to obtain preventive care. It will also help victims of domestic violence to protect their families and their futures.

In addition, the legislation will benefit businesses by decreasing employee turnover, and improving productivity. ''Presenteeism''—sick workers coming to work and infecting their colleagues instead of staying at home—costs our economy $180 billion annually in lost productivity. For employers, the cost averages $255 per employee per year, and exceeds the cost of absenteeism and medical and disability benefits. The lack of paid sick days also leads to higher employee turnover, especially for low-wage workers. When the benefits of the Healthy Families Act are weighed against its costs, providing paid sick days will actually save American businesses up to $9 billion a year by eliminating these productivity losses and reducing turnover.

Above all, enabling workers to earn paid sick time to care for themselves and their families is a matter of fundamental fairness. Every worker has had to miss days of work because of illness. Every child gets sick and needs a parent at home to take care of them. And all hardworking Americans deserve the chance to take care of their families without putting their jobs or their health on the line.

It is long past time for our laws to deal with these difficult choices that working men and women face every day. As President Obama has said, ''Nobody in America should have to choose between keeping their jobs and caring for a sick child.'' I urge all of my colleagues to join in supporting the Healthy Families Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 155—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY CEASE ENGAGING IN ACTS OF CULTURAL, LINGUISTIC, AND RELIGIOUS SUPPRESSION DIRECTED AGAINST THE UYGHUR PEOPLE

Mr. BROWN (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas protecting the human rights of minority groups is consistent with the actions of a responsible member of the international community;

Whereas recent actions taken against the Uyghur minority by authorities in the People's Republic of China and, specifically, by local officials in the Xinjiang Uyghur Autonomous Region, have included major violations of human rights and acts of cultural suppression;

Whereas the authorities of the People's Republic of China have manipulated the strategic objectives of the international war on terrorism to increase their cultural and religious oppression of the Muslim population residing in the Xinjiang Uyghur Autonomous Region;

Whereas an official campaign to encourage the migration of Han Chinese people into the Xinjiang Uyghur Autonomous Region has resulted in the Uyghur population becoming a minority in the Uyghur traditional homeland and has placed immense pressure on people and organizations that are seeking to preserve the linguistic, cultural, and religious traditions of the Uyghur people;

Whereas, pursuant to a new policy of the Government of the People's Republic of China, young Uyghur women are recruited and forcibly relocated to work in factories in

urban areas in far-off eastern provinces, resulting in tens of thousands of Uyghur women being separated from their families and placed into substandard working conditions thousands of miles from their homes;

Whereas the legal system of the People's Republic of China is used as a tool of repression, including to arbitrarily detain and torture Uyghurs who have only voiced discontent with the Government of the People's Republic of China;

Whereas the Government of the People's Republic of China continues to charge innocent Uyghurs with political crimes and to impose the death penalty on those Uyghurs and other political dissidents, contrary to international humanitarian standards;

Whereas the People's Republic of China is implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture by transitioning minority students from education in their mother tongue to education in Chinese, shifting dramatically away from past policies that provided choice for the Uyghur people; and

Whereas there have been recent armed crackdowns throughout the Xinjiang Uyghur Autonomous Region against the entire Uyghur population: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of the People's Republic of China should—

(1) recognize, and seek to ensure, the linguistic, cultural, and religious rights of the Uyghur people of the Xinjiang Uyghur Autonomous Region;

(2) immediately release all Uyghur political and religious prisoners that are being held without good cause or evidence, whether those prisoners are held in prisons or are under house arrest;

(3) cease harassment and intimidation of family members and innocent associates of peaceful Uyghur political activists; and

(4) immediately cease all Government-sponsored violence and crackdowns against people in the Xinjiang Uyghur Autonomous Region, including against people involved in peaceful protests or religious or political expression.

SENATE RESOLUTION 156—EXPRESSING THE SENSE OF THE SENATE THAT REFORM OF OUR NATION'S HEALTH CARE SYSTEM SHOULD INCLUDE THE ESTABLISHMENT OF A FEDERALLY-BACKED INSURANCE POOL

Mr. BROWN (for himself, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DODD, Mr. SCHUMER, Mr. BINGAMAN, Mr. DURBIN, Ms. MIKULSKI, Mr. HARKIN, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. LEAHY, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CASEY, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. INOUYE, Mr. SANDERS, Mr. KAUFMAN, Mr. BURRIS, Mr. LAUTENBERG, Mrs. MCCASKILL, Mrs. SHAHEEN, Mr. CARDIN, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 156

Whereas in the presence of a federally-backed insurance pool, those Americans who have become unemployed, live in rural and other traditionally underserved areas, or have been unable to attain affordable health insurance would benefit from consumer choice: Now, therefore, be it

Resolved, That the Senate recognizes that any efforts to reform our Nation's health care system should include as an option the establishment of a federally-backed insurance pool to create options for American consumers.

Mr. BROWN. Mr. President, in my approaching 2½ years in the Senate, I have held some 140 roundtables across my State—from Bryan, to Saint Clairsville, to Ashtabula, to Cincinnati—where I have had the opportunity to listen to health care professionals and advocates and their families speak about their circumstances and struggles. Through these discussions, one thing has become painfully obvious: Health care reform must include insurance reform, and health insurance reform must include the option of a federally backed health insurance plan. That is why I am here today to introduce a resolution, along with 26 of my Senate colleagues, to express the importance of including a federally backed health insurance plan in health care reform.

As we work to reform our health care system, we must protect what works and fix what is broken. It is important that we preserve access to employer-sponsored coverage for those who want to keep their current plan. That is what President Obama is insisting on. If you are satisfied, you keep what coverage you have. But with more and more Americans losing jobs and seeing their health insurance scaled back, it is important that people have access to something else. Americans deserve the chance to go with a private or a federally backed health insurance plan. It is their choice, and this choice is good policy. This choice is good common sense.

Americans are tired of trying to get health insurance coverage and being turned down because they have a pre-existing condition. They are tired of premiums and deductibles and copays that they simply can no longer afford. They are tired of having to fight for every penny when they have paid their insurance premium month after month. They are tired of having to fight for every penny that the insurer owes them when they try to use their insurance and waiting all too often for months to get their claims paid. They are tired of wondering whether their insurance will pay for them at all to see the specialist they need, to get the medicine they need, or to have the operation they need. That is not what insurance should be.

They are tired mostly of the uncertainty surrounding health insurance. If they lose their job, they lose insurance. If they get sick, they can't get insurance. If they submit a claim, it may be paid in 2 or 6 months, or sometimes, even though they are fighting their insurance company and asking and pleading and begging, they may not get the claim paid at all.

To be meaningful, health care reform must be responsive to all of these shortcomings in our current system. To be responsive, health care reform must address insurance affordability, reliability, and insurance continuity. To achieve these goals, health care reform must provide Ohioans and every American with more options. People should be able to choose whether to keep the coverage they have or to purchase coverage backed by the Federal Government.

A federally backed plan would provide continuity. It would be available in every part of the country, no matter how rural, in western North Carolina or in southeast Ohio. Its benefits would be guaranteed, and its cost sharing would be affordable because of the problems of cost shifting—no ifs, no ands, and no buts. A federally backed plan would be an option but certainly not the only option. Americans who have employer-sponsored coverage would still have that coverage. Americans who have individual coverage through a private insurer would still have that coverage. A federally backed plan would be an option, not a mandate. Some will choose it; others will not. That is the kind of choice we ask for.

One reason such an option is important is because hundreds of thousands of Americans are losing their jobs and have no affordable coverage option. This would give them one. If you have ever tried to purchase affordable coverage in the individual insurance market—and I have—you understand why a federally backed insurance program is so important. If you live in a rural area where quality, affordable coverage is unavailable, you know why a federally backed insurance option is so important. There needs to be an option for people who can't find what they need in the private insurance market, just as Medicare is there for seniors. The federally backed option will give those under 65, if not yet eligible for Medicare, a place to turn.

The resolution I am introducing today, with half of the Democrats in the Senate already signed on as cosponsors—there will be more later—demonstrates broad support for a federally backed insurance option and health care reform. I encourage all colleagues to support this resolution.

The majority of the HELP Committee are cosponsors of this bill. That is the committee that will help to write the health insurance bill with the Finance Committee. If consumers have more options, including the option to purchase federally backed coverage designed to provide the three things that matter most—affordability, reliability, and continuity, the three things that too often are absent from private insurance plans—we will have gone a long way toward making the U.S. health care system work for every American. That is why this resolution matters. That is why the option of a federally backed insurance plan makes so much sense.

SENATE RESOLUTION 157—RECOGNIZING BREAD FOR THE WORLD, ON THE 35TH ANNIVERSARY OF ITS FOUNDING, FOR ITS FAITHFUL ADVOCACY ON BEHALF OF POOR AND HUNGRY PEOPLE IN OUR COUNTRY AND AROUND THE WORLD

Mr. LUGAR (for himself, Mrs. LINCOLN, Mr. DURBIN, Mr. KOHL, Mr. BROWN, Ms. SNOWE, Mr. CASEY, Mr. KERRY, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 157

Whereas Bread for the World, now under the leadership of the Reverend David Beckmann, has grown in size and influence, and is now the largest grassroots advocacy network on hunger issues in the United States and on behalf of impoverished people overseas;

Whereas members of Bread for the World believe that by addressing policies, programs, and conditions that allow hunger and poverty to persist, they are providing help and opportunity far beyond the communities in which they live;

Whereas Bread for the World has inspired the engagement of hundreds of thousands of individuals, more than 8,000 congregations, and more than 50 denominations across the religious spectrum to seek justice for hungry and poor people by making our Nation's laws more fair and compassionate to people in need;

Whereas members of Bread for the World use hand-written letters and other personalized forms of communication to convey to their legislators their moral concern for the needs of mothers, children, small farmers, and other hungry and poor people; and

Whereas Bread for the World has a strong record of success in working with Congress to—

(1) strengthen our national nutrition programs;

(2) establish and fund the Child Survival account that has helped reduce child mortality rates worldwide;

(3) increase and improve the Nation's poverty-focused development assistance to help developing countries in Africa and other underprivileged parts of the world;

(4) pass the Africa: Seeds of Hope Act of 1998 that redirected United States resources toward small-scale farmers and struggling rural communities in Africa;

(5) lead an effort to provide debt relief to the world's poorest countries and tie debt relief to poverty reduction; and

(6) establish an emergency grain reserve to improve the Nation's response to humanitarian crises: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends Bread for the World, on the 35th anniversary of its founding, for its encouragement of citizen engagement, its advocacy for poor and hungry people, and its successes as a collective voice; and

(2) challenges Bread for the World to continue its work to address world hunger.

SENATE RESOLUTION 158—TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ADVANCING INTERNATIONAL GOODWILL AND CHARACTER BUILDING UNDER SAIL

Mr. KERRY (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas, since its founding in 1973, ASTA has supported character-building experiences aboard traditionally-rigged sail training vessels and has established a program of scholarship funds to support such experiences;

Whereas ASTA has a long history of tall ship races, rallies, and maritime festivals, dating back as far as 1976;

Whereas, each year since 2001, ASTA has held the ''Tall Ships Challenge'', a series of races and maritime festivals that involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world;

Whereas the Tall Ships Challenge series has reached an audience of approximately 8,000,000 spectators and brought more than $400,000,000 to more than 30 host communities;

Whereas ASTA supports a membership of more than 200 sail training vessels, including barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life-changing adventures to thousands of young trainees;

Whereas ASTA has held a series of more than 30 annual sail training conferences in cities throughout the United States and Canada, including the Safety Under Sail Forum and the Education Under Sail Forum;

Whereas ASTA has collaborated extensively with the Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque *USCGC Eagle*;

Whereas ASTA publishes ''Sail Tall Ships'', a periodic directory of sail training opportunities;

Whereas, in 1982, ASTA supported the enactment of the Sailing School Vessel Act of 1982, title II of Public Law 97-322 (96 Stat. 1588);

Whereas ASTA has ably represented the United States as a founding member of the national sail training organization in Sail Training International, the recognized international body for the promotion of sail training, which has hosted a series of international races of square-rigged and other traditionally-rigged vessels since the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce the ''Tall Ships Atlantic Challenge 2009'', in which an international fleet of sail training vessels will sail from Europe to North America and return to Europe: Now, therefore, be it

Resolved, That the Senate—

(1) commends the American Sail Training Association for advancing character building experiences for youth at sea in traditionally-rigged sailing vessels and the finest traditions of the sea;

(2) commends the American Sail Training Association for acting as the national sail training association of the United States and representing the sail training community of the United States in the international forum; and

(3) encourages all people of the United States and the world to join in the celebration of the ''Tall Ships Atlantic Challenge 2009'' and in the character-building and educational experience that it represents for the youth of all nations.

SENATE RESOLUTION 159—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISTORY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. BURRIS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 159

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

SENATE RESOLUTION 160—CONDEMNING THE ACTIONS OF THE BURMESE STATE PEACE AND DEVELOPMENT COUNCIL AGAINST DAW AUNG SAN SUU KYI AND CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DAW AUNG SAN SUU KYI

Mr. GREGG (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LUGAR, Mr. BROWNBACK, Mr. BENNETT, Mr. BOND, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas the military regime in Burma, headed by General Than Shwe and the State Peace and Development Council (SPDC), has carried out a longstanding and brutal campaign of persecution against Burmese democracy leader Daw Aung San Suu Kyi and her supporters in the National League for Democracy, ethnic minorities, and ordinary citizens of Burma who publicly and courageously speak out against the regime's many injustices, abuses, and atrocities;

Whereas the military regime in Burma is solely responsible for failing to provide for the basic needs of the people of Burma and has restricted the activities and movement of United Nations agencies and humanitarian nongovernmental organizations operating in Burma today;

Whereas Burmese democracy leader Daw Aung San Suu Kyi has been imprisoned in Burma for 13 of the last 19 years, and many members of the National League for Democracy have been similarly jailed, tortured, or killed;

Whereas Burmese democracy leader Daw Aung San Suu Kyi currently faces criminal charges by the military regime for breaking the terms of her house arrest, which arose from the uninvited visit of an American citizen; and

Whereas these criminal charges are consistent with other past actions by the military regime to harass and persecute Daw Aung San Suu Kyi and the National League for Democracy: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and deplores the show trial of Burmese democracy leader Daw Aung San Suu Kyi;

(2) condemns and deplores the criminal actions by the State Peace and Development Council against Daw Aung San Suu Kyi and members of the National League for Democracy;

(3) recognizes that currently conditions do not exist in Burma for the conduct of credible and participatory elections;

(4) calls for the immediate and unconditional release of Daw Aung San Suu Kyi and all prisoners of conscience in Burma;

(5) calls upon the Secretary of State to reinvigorate efforts with regional governments and multilateral organizations (including the People's Republic of China, India, and Japan as well as the Association of Southeast Asian Nations and the United Nations Security Council) to secure the immediate and unconditional release of Daw Aung San Suu Kyi and all prisoners of conscience in Burma; and

(6) calls upon the State Peace and Development Council to establish, with the full and unfettered participation of the National League for Democracy and ethnic minorities, a genuine roadmap for the peaceful transition to civilian, democratic rule.

SENATE RESOLUTION 161—RECOGNIZING JUNE 2009 AS THE FIRST NATIONAL HEREDITARY HEMORRHAGIC TELANGIECSTASIA (HHT) MONTH, ESTABLISHED TO INCREASE AWARENESS OF HHT, WHICH IS A COMPLEX GENETIC BLOOD VESSEL DISORDER THAT AFFECTS APPROXIMATELY 70,000 PEOPLE IN THE UNITED STATES

Mr. JOHNSON submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas according to the HHT Foundation International, Hereditary Hemorrhagic Telangiecstasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these ''vascular time bombs'' are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

SENATE RESOLUTION 162—RECOMMENDING THE LANGSTON GOLF COURSE, LOCATED IN NORTHEAST WASHINGTON, DC AND OWNED BY THE NATIONAL PARK SERVICE, BE RECOGNIZED FOR ITS IMPORTANT LEGACY AND CONTRIBUTIONS TO AFRICAN-AMERICAN GOLF HISTORY, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. CARDIN, Mr. UDALL of Colorado, and Mr. BURRIS) submitted the following resolution; which was considered and agreed to:

S. RES. 162

Whereas the Langston Golf Course was designated for construction by the Department of the Interior in the 1930s as a safe and expanded recreational facility for the local and national African-American communities;

Whereas Langston Golf Course was named for John Mercer Langston, the first African-American Representative elected to Congress from the Commonwealth of Virginia, and who also was a founder of the Howard University School of Law;

Whereas the Langston Golf Course is believed to be the first regulation course in the United States to be built almost entirely on a refuse landfill;

Whereas Langston Golf Course has been placed on the National Register of Historic Places, and the Capital City Open golf tournament has made Langston Golf Course its home for the past 40 years;

Whereas the first American-born golf professional of African-American ancestry was John Shippen, who was born circa 1878 in the Anacostia area of Washington, DC, placed fifth in the second United States Open golf tournament in 1896 when he was 16 years old, and helped found the Capitol City Golf Club in 1925;

Whereas the Capitol City Golf Club, eventually renamed the Royal Golf Club and Wake Robin Women's Club, historically has promoted a safe golf facility for African Americans in Washington, DC, especially during an era when few facilities were available, and these 2 clubs remain the oldest African-American golf clubs in the United States;

Whereas the Langston facility continues to provide important recreational outlets, instructional forums, and a ''safe haven center'' for the enhancement of the lives of Washington, DC's inner-city youth;

Whereas the Langston Golf Course and related recreational facilities provide a home for the Nation's important minority youth ''First Tee'' golf instruction and recreational program in Washington, DC;

Whereas Langston Golf Course's operations and its related facilities seek to increase course-based educational opportunities under the auspices of the National Park Service for persons under 18 years of age, particularly those from populations of the inner-city and historically underrepresented among visitors to units of the National Park System;

Whereas the preservation and ecologically-balanced enhancements via future public and private funding for the lands making up the 212 acres of the Langston Golf Course will benefit the National Park System's Environmental Leadership projects program, the Anacostia River Watershed, the city of Washington, and the entire Washington, DC metropolitan area;

Whereas Federal funds for enhancements to the Langston Golf Course have perennially been promised but rarely provided, even after the designation of Langston Golf Course as a ''Legacy Project for the 21st Century'', and after significant private funding and contributions were committed and provided; and

Whereas the Langston Golf Course and related recreational facilities traditionally have provided additional quality of life value to all residents of Washington, DC, and will do more so once upgraded to meet its obvious athletic and historical promise: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Langston Golf Course, its general management, and the Royal Golf and Wake Robin Golf Clubs are to be commended for their historical and ongoing contributions to the local Washington, DC community and the Nation;

(2) the Director of the National Park Service and the Secretary of the Interior should give appropriate consideration to the future budget needs of this important park in the National Park System that is a historical site, recreational facility, and educational center; and

(3) the Secretary of the Senate should transmit an enrolled copy of this resolution to the general manager of the Langston Golf Course.

SENATE RESOLUTION 163—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING AN APPROPRIATE DATE AS ''NATIONAL CHILDHOOD STROKE AWARENESS DAY''

Mr. CASEY (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 163

Whereas a stroke, also known as a cerebrovascular accident, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 9 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas such disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of an appropriate date as ''National Childhood Stroke Awareness Day''; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

SENATE CONCURRENT RESOLUTION 24—TO DIRECT THE ARCHITECT OF THE CAPITOL TO PLACE A MARKER IN EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER WHICH ACKNOWLEDGES THE ROLE THAT SLAVE LABOR PLAYED IN THE CONSTRUCTION OF THE UNITED STATES CAPITOL, AND FOR OTHER PURPOSES

Mrs. LINCOLN (for herself, Mr. SCHUMER, and Mr. CHAMBLISS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 24

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. FINDINGS.

Congress finds the following:

(1) Enslaved African Americans provided labor essential to the construction of the United States Capitol.

(2) The report of the Architect of the Capitol entitled ''History of Slave Laborers in the Construction of the United States Capitol'' documents the role of slave labor in the construction of the Capitol.

(3) Enslaved African Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol.

(4) Enslaved African Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing.

(5) 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.

(6) Slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia.

(7) The Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting, when all others failed.

(8) The great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol.

(9) No narrative on the construction of the Capitol that does not include the contribution of enslaved African Americans can fully and accurately reflect its history.

(10) Recognition of the contributions of enslaved African Americans brings to all Americans an understanding of the continuing evolution of our representative democracy.

(11) A marker dedicated to the enslaved African Americans who helped to build the Capitol will reflect the charge of the Capitol Visitor Center to teach visitors about Congress and its development.

SEC. 2. PLACEMENT OF MARKER IN CAPITOL VISITOR CENTER TO ACKNOWLEDGE ROLE OF SLAVE LABOR IN CONSTRUCTION OF CAPITOL.

(a) PROCUREMENT AND PLACEMENT OF MARKER.—The Architect of the Capitol, subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, shall design, procure, and place in a prominent location in Emancipation Hall in the Capitol Visitor Center a marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) CRITERIA FOR DESIGN OF MARKER.—In developing the design for the marker required under subsection (a), the Architect of the Capitol shall—

(1) take into consideration the recommendations developed by the Slave Labor Task Force Working Group;

(2) to the greatest extent practicable, ensure that the marker includes stone which was quarried by slaves in the construction of the Capitol; and

(3) ensure that the marker includes a plaque or inscription which describes the purpose of the marker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1202. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 1203. Mr. REID submitted an amendment intended to be proposed to amendment SA 1173 submitted by Mr. CORKER (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. LUGAR, Mr. ISAKSON, Ms. COLLINS, and Mr. BENNETT) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1204. Mr. REID submitted an amendment intended to be proposed to amendment SA 1164 submitted by Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. DODD, and Mr. LIEBERMAN) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1205. Mr. REID submitted an amendment intended to be proposed to amendment SA 1144 proposed by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1206. Mr. REID submitted an amendment intended to be proposed to amendment SA 1159 submitted by Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. LIEBERMAN) and intended to be proposed to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1207. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. CORNYN, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1156 submitted by Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1208. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. CORNYN, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1188 submitted by Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1209. Mr. REID submitted an amendment intended to be proposed to amendment SA 1167 submitted by Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1210. Mr. REID submitted an amendment intended to be proposed to amendment SA 1138 proposed by Mr. DEMINT to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1211. Mr. REID submitted an amendment intended to be proposed to amendment SA 1185 submitted by Mr. MERKLEY (for himself and Mr. WHITEHOUSE) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1212. Mr. REID submitted an amendment intended to be proposed to amendment SA 1189 submitted by Mrs. HUTCHISON (for herself, Mr. BROWN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. COCHRAN, Mr. BOND, and Mr. LAUTENBERG) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1213. Mr. REID submitted an amendment intended to be proposed to amendment SA 1191 submitted by Mr. LEAHY (for himself and Mr. KERRY) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1214. Mr. REID submitted an amendment intended to be proposed to amendment SA 1179 submitted by Mr. KAUFMAN (for himself, Mr. LUGAR, and Mr. REED) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1215. Mr. REID submitted an amendment intended to be proposed to amendment SA 1143 proposed by Mr. RISCH (for himself, Mr. CORNYN, and Mr. BOND) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1216. Mr. REID submitted an amendment intended to be proposed to amendment SA 1181 submitted by Mrs. LINCOLN (for herself and Mr. PRYOR) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1217. Mr. REID submitted an amendment intended to be proposed to amendment SA 1161 submitted by Mr. BROWN to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1218. Mr. REID submitted an amendment intended to be proposed to amendment SA 1188 submitted by Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1219. Mr. REID submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. KYL (for himself and Mr. LIEBERMAN) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1220. Mr. REID submitted an amendment intended to be proposed to amendment SA 1157 submitted by Mr. LIEBERMAN (for himself and Mr. GRAHAM) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1221. Mr. REID submitted an amendment intended to be proposed to amendment SA 1156 submitted by Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1222. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1161 submitted by Mr. BROWN to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1223. Mrs. MURRAY (for herself, Mr. BOND, and Mr. COCHRAN) submitted an amendment intended to be proposed by her to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1224. Mr. REID (for Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 19, expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

TEXT OF AMENDMENTS

SA 1202. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide assistance to Pakistan unless the President first certifies to the appropriate congressional committees that appropriate measures have been and will be taken to ensure that none of such obligated or expended funds are used—

(1) to support, expand, or in any way assist in the development or deployment of the nuclear weapons program of the Government of Pakistan; or

(2) to support programs or purposes for which such funds have not been specifically appropriated by this Act or reprogrammed through appropriate committee notification procedures.

(b)(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report—

(A) certifying whether any funds appropriated or otherwise made available by this Act and obligated or expended during the reporting period to provide assistance to Pakistan were or may have been used for the purposes described in paragraphs (1) and (2) of subsection (a); and

(B) describing the measures taken during such reporting period to ensure that no obligated or expended funds were used for such purposes.

(2) Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) Nothing in this section shall be construed to prohibit the expenditure of funds for nonproliferation and disarmament activities in Pakistan.

(d) In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SA 1203. Mr. REID submitted an amendment intended to be proposed to amendment SA 1173 submitted by Mr. CORKER (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. LUGAR, Mr. ISAKSON, Ms. COLLINS, and Mr. BENNETT) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 4 days.

SA 1204. Mr. REID submitted an amendment intended to be proposed to amendment SA 1164 submitted by Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. DODD, and Mr. LIEBERMAN) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 3 days.

SA 1205. Mr. REID submitted an amendment intended to be proposed to amendment SA 1144 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 2 days.

SA 1206. Mr. REID submitted an amendment intended to be proposed to amendment SA 1159 submitted by Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. LIEBERMAN) and intended to be proposed to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 1 day.

SA 1207. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. CORNYN, and Mr. BENNETT) submitted amendment intended to be proposed to amendment SA 1156 submitted by Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter to be inserted, insert the following

(a) FINDINGS.—

(1) Section 403(a) of H.R. 4986, the National Defense Authorization Act for 2008 allows the Secretary of Defense to establish the active-duty end strength for the Army at 547,400.

(2) As provided in sections 115(f) and (g) of Title 10, United States Code, the Secretary of Defense and Secretary of the Army may apply variances for active-duty end strength against this established end strength of 547,400.

(b) FUNDING.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by this title under the heading ''MILITARY PERSONNEL, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of personnel in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(2) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of operation and maintenance in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(3) LIMITATION ON AVAILABILITY.—Amounts appropriated by paragraphs (1) and (2) shall be available only for the purposes specified in such paragraph.

(4) EMERGENCY REQUIREMENT.—For purposes of Senate enforcement, the amounts appropriated by paragraphs (1) and (2) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1208. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. CORNYN, and Mr. BENNETT) submitted amendment intended to be proposed to amendment SA 1188 submitted by Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

(a) FINDINGS.—

(1) Section 403(a) of H.R. 4986, the National Defense Authorization Act for 2008 allows the Secretary of Defense to establish the active-duty end strength for the Army at 547,400.

(2) As provided by sections 115(f) and (g) of Title 10, United States Code, the Secretary of Defense and Secretary of the Army may apply variances for active-duty end strength against this established end strength of 547,400.

(b) FUNDING.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by this title under the heading ''MILITARY PERSONNEL, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of personnel in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(2) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this title under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $200,000,000, with the amount of such increase to be available for purposes of costs of operation and maintenance in connection with personnel of the Army on active duty in excess of 547,400 personnel of the Army.

(3) LIMITATION ON AVAILABILITY.—Amounts appropriated by paragraphs (1) and (2) shall be available only for the purposes specified in such paragraph.

(4) EMERGENCY REQUIREMENT.—For purposes of Senate enforcement, the amounts appropriated by paragraphs (1) and (2) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1209. Mr. REID submitted an amendment intended to be proposed to amendment SA 1167 submitted by Mr. BENNET (for himself, Mr. CASEY, and Mr. JOHANNS) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 17 days.

SA 1210. Mr. REID submitted an amendment intended to be proposed to amendment SA 1138 proposed by Mr. DEMINT to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 16 days.

SA 1211. Mr. REID submitted an amendment intended to be proposed to amendment SA 1185 submitted by Mr. MERKLEY (for himself and Mr. WHITEHOUSE) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 15 days.

SA 1212. Mr. REID submitted an amendment intended to be proposed to amendment SA 1189 submitted by Mrs. HUTCHISON (for herself, Mr. BROWN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. COCHRAN, Mr. BOND, and Mr. LAUTENBERG) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 14 days.

SA 1213. Mr. REID submitted an amendment intended to be proposed to amendment SA 1191 submitted by Mr. LEAHY (for himself and Mr. KERRY) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 13 days.

SA 1214. Mr. REID submitted an amendment intended to be proposed to amendment SA 1179 submitted by Mr. KAUFMAN (for himself, Mr. LUGAR, and Mr. REED) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 12 days.

SA 1215. Mr. REID submitted an amendment intended to be proposed to amendment SA 1143 submitted by Mr. RISCH (for himself, Mr. CORNYN, and Mr. BOND) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 11 days.

SA 1216. Mr. REID submitted an amendment intended to be proposed to amendment SA 1181 submitted by Mrs. LINCOLN (for herself and Mr. PRYOR) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 10 days.

SA 1217. Mr. REID submitted an amendment intended to be proposed to amendment SA 1161 submitted by Mr. BROWN to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 8 days.

SA 1218. Mr. REID submitted an amendment intended to be proposed to amendment SA 1188 submitted by Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LUGAR, and Mr. BROWNBACK) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending

September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 9 days.

SA 1219. Mr. REID submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. KYL (for himself and Mr. LIEBERMAN) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 7 days.

SA 1220. Mr. REID submitted an amendment intended to be proposed to amendment SA 1157 submitted by Mr. LIEBERMAN (for himself and Mr. GRAHAM) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall become effective in 6 days.

SA 1221. Mr. REID submitted an amendment intended to be proposed to amendment SA 1156 submitted by Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. THUNE, Mr. BURRIS, Mr. BENNETT, and Mr. CORNYN) to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table, as follows:

At the end of the amendment add the following:

This section shall become effective in 5 days.

SA 1222. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1161 submitted by Mr. BROWN to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

(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 does not maintain or increase government spending on health care or education in Heavily Indebted Poor Countries or that does not exempt such spending from hiring or wage bill ceilings or other limits to be imposed by the International Monetary Fund in those countries; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the IMF's activities with respect to Heavily Indebted Poor Countries.

SA 1223. Mrs. MURRAY (for herself, Mr. BOND, and Mr. COCHRAN) submitted an amendment intended to be proposed by her to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 14, insert ``, notwithstanding section 204 of Title II of Division K of Public Law 110–161,'' after ``Provided, That''.

SA 1224. Mr. REID (for Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 19, expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; as follows:

Strike the 11th whereas clause.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 2, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate office building. The Chairman intends to conclude the hearing by 3:00 p.m.

The purpose of the hearing is to consider the nomination of Catherine Radford Zoi, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy), the nomination of William F. Brinkman, to be Director of the Office of Science, Department of Energy, and the nomination of Anne Castle, to be an Assistant Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510–6150, or by e-mail to *Amanda kelly@energy.senate.gov*.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 21, 2009 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 21, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, May 21, 2009 at 10:30 a.m., in room SD–366 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KAUFMAN. 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 Thursday, May 21, 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. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 21, 2009 at 10 a.m., in room 215 of the Dirksen Senate office building, to conduct a hearing entitled ``The U.S.-Panama Trade Promotion Agreement.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 10 a.m. to hold a hearing entitled ``A New Strategy for Afghanistan and Pakistan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 2 p.m. to conduct a hearing entitled ``Where Were the Watchdogs? Financial Regulatory Lessons from Abroad.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. 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 an executive business meeting on Thursday, May 21,

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 SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 10 a.m. to conduct a hearing entitled, ''The Role of Small Business in Recovery Act Contracting.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 9:30 a.m. to conduct a markup on pending legislation. The Committee will meet in room 418 of the Russell Senate office building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 21, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 10:30 a.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, May 21, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 67, 144, 153, to and including 160, 162, 163, 164, 166, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, and all nominations on the Secretary's desk in the Air Force, NOAA, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and any statements relating thereto be printed in the RECORD; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Cameron F. Kerry, of Massachusetts, to be General Counsel of the Department of Commerce.

DEPARTMENT OF THE INTERIOR

Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

To be lieutenant general

Maj. Gen. Charles B. Green

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Herbert J. Carlisle

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. William M. Fraser, III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Shelton

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Daniel J. Darnell

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Richard K. Gallagher

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Terry G. Robling

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph F. Dunford, Jr.

DEPARTMENT OF STATE

Philip J Crowley, of Virginia, to be an Assistant Secretary of State (Public Affairs).

Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Priscilla E. Guthrie, of Virginia, to be Chief Information Officer, Office of the Director of National Intelligence.

THE JUDICIARY

Florence Y. Pan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF COMMERCE

Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

DEPARTMENT OF TRANSPORTATION

John D. Porcari, of Maryland, to be Deputy Secretary of Transportation.

J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.

EXECUTIVE OFFICE OF THE PRESIDENT

Aneesh Chopra, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF STATE

Judith A. McHale, of Maryland, to be Under Secretary of State for Public Diplomacy.

Robert Orris Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for South Asian Affairs.

DEPARTMENT OF LABOR

Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

NATIONAL MEDIATION BOARD

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2012.

DEPARTMENT OF EDUCATION

John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education for a term of six years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sandra Brooks Henriquez, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF TRANSPORTATION

Peter M. Rogoff, of Virginia, to be Federal Transit Administrator.

DEPARTMENT OF THE TREASURY

Michael S. Barr, of Michigan, to be an Assistant Secretary of the Treasury.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN239 AIR FORCE nominations (12) beginning WILLIAM A. BARTOUL, and ending GEORGE T. YOUSTRA, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN240 AIR FORCE nominations (2394) beginning PETER BRIAN ABERCROMBIE II, and ending ERIC J. ZUHLSDORF, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN428 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations

(46) beginning MARK H. PICKETT, and ending RYAN A. WARTICK, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN429 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (11) beginning HEATHER L. MOE, and ending MARINA O. KOSENKO, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

IN THE NAVY

PN52 NAVY nomination of Deandrea G. Fuller, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN57 NAVY nominations (6) beginning DANIEL G. CHRISTOFFERSON, and ending ALBERT D. PERPUSE, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 61, S. Con. Res. 19.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the resolving clause and insert the part printed in italic and to strike out the preamble and insert the part printed in italic.

Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;

Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;

Whereas the law also weakens mothers' rights in the event of a divorce and prohibits a woman from leaving her home unless her husband determines it is for a ''legitimate purpose'';

Whereas President Barack Obama has called the law ''abhorrent'' and stated that ''there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle'';

Whereas the United Nations High Commissioner for Human Rights has said that the law represents a ''huge step in the wrong direction'' and is ''extraordinary, reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s'';

Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries in Europe from contributing additional troops to help combat terrorism in the region;

Whereas President Karzai has instructed the Government of Afghanistan and members of the clergy to review the law and change any articles that are not in keeping with Afghanistan's Constitution and Islamic Sharia;

Whereas the law includes provisions that are fundamentally incompatible with the obligations of the Government of Afghanistan under various international instruments to which it is a party;

Whereas Afghanistan is a signatory of the Universal Declaration of Human Rights (UDHR), which establishes the principle of nondiscrimination, including on the basis of sex, and states that men and women are entitled to equal rights to marriage, during marriage, and at its dissolution;

Whereas Afghanistan became a party to the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976 (ICESCR), which emphasizes the principle of self-determination, in that men and women may freely determine their political status as well as their economic, social, and cultural development;

Whereas Afghanistan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, and entered into force September 3, 1981 (CEDAW), which condemns discrimination against women in all its forms and reaffirms the equal rights and responsibilities of men and women during marriage and at its dissolution;

Whereas article 22 of the Constitution of Afghanistan (2003) prohibits any kind of discrimination between and privilege among the citizens of Afghanistan and establishes the equal rights of all citizens before the law;

Whereas the international community and the United States have a long-standing commitment to and interest in working with the people and Government of Afghanistan to re-establish respect for fundamental human rights and protect women's rights in Afghanistan; and

Whereas the provisions in the Shi'ite Personal Status Law that restrict women's rights are inconsistent with those goals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), [That Congress—

[(1) urges the Government of Afghanistan and President Hamid Karzai to declare the provisions of the Shi'ite Personal Status Law on marital rape and restrictions on women's freedom of movement unconstitutional and an erosion of growth and development in Afghanistan;

[(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it on the grounds that it violates the Constitution of Afghanistan and the basic human rights of women;

[(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for International Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

[(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.]

That Congress—

(1) urges the Government of Afghanistan to revise the Shi'ite Personal Status Law, including its provisions on marital rape and women's freedom of movement, to ensure its consistency with internationally recognized rights of women, including those contained in treaties to which Afghanistan is a party;

(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it until it has been revised to be consistent with internationally recognized rights of women;

(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry of Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendments, as amended, if amended, be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1224) was agreed to, as follows:

Strike the 11th whereas clause.

The committee-reported amendment to the resolution was agreed to.

The committee-reported amendment, as amended, to the preamble was agreed to.

The concurrent resolution (S. Con. Res. 19), as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 19

Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;

Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;

Whereas the law also weakens mothers' rights in the event of a divorce and prohibits a woman from leaving her home unless her husband determines it is for a ''legitimate purpose'';

Whereas President Barack Obama has called the law ''abhorrent'' and stated that ''there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle'';

Whereas the United Nations High Commissioner for Human Rights has said that the law represents a ''huge step in the wrong direction'' and is ''extraordinary, reprehensible and reminiscent of the decrees made by

the Taliban regime in Afghanistan in the 1990s'';

Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries in Europe from contributing additional troops to help combat terrorism in the region;

Whereas President Karzai has instructed the Government of Afghanistan and members of the clergy to review the law and change any articles that are not in keeping with Afghanistan's Constitution and Islamic Sharia;

Whereas the law includes provisions that are fundamentally incompatible with the obligations of the Government of Afghanistan under various international instruments to which it is a party;

Whereas Afghanistan is a signatory of the Universal Declaration of Human Rights (UDHR), which establishes the principle of nondiscrimination, including on the basis of sex, and states that men and women are entitled to equal rights to marriage, during marriage, and at its dissolution;

Whereas Afghanistan became a party to the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976 (ICESCR), which emphasizes the principle of self-determination, in that men and women may freely determine their political status as well as their economic, social, and cultural development;

Whereas article 22 of the Constitution of Afghanistan (2003) prohibits any kind of discrimination between and privilege among the citizens of Afghanistan and establishes the equal rights of all citizens before the law;

Whereas the international community and the United States have a long-standing commitment to and interest in working with the people and Government of Afghanistan to reestablish respect for fundamental human rights and protect women's rights in Afghanistan; and

Whereas the provisions in the Shi'ite Personal Status Law that restrict women's rights are inconsistent with those goals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges the Government of Afghanistan to revise the Shi'ite Personal Status Law, including its provisions on marital rape and women's freedom of movement, to ensure its consistency with internationally recognized rights of women, including those contained in treaties to which Afghanistan is a party;

(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it until it has been revised to be consistent with internationally recognized rights of women;

(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry of Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following items, en bloc: Calendar No. 65, H.R. 663; Calendar No. 66, H.R. 918, Calendar No. 67, H.R. 1284; and Calendar No. 68, H.R. 1595.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table, there be no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

YVONNE INGRAM-EPHRAIM POST OFFICE BUILDING

The bill (H.R. 663) to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building'', was ordered to a third reading, was read the third time, and passed.

STAN LUNDINE POST OFFICE BUILDING

The bill (H.R. 918) to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building'', was ordered to a third reading, was read the third time, and passed.

MAJOR ED W. FREEMAN POST OFFICE

The bill (H.R. 1284) to designate the facility of the United States Postal Service located at 103 West Main street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office'', was ordered to a third reading, was read the third time, and passed.

BRIAN K. SCHRAMM POST OFFICE BUILDING

The bill (H.R. 1595) to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the ''Brian K. Schramm Post Office Building'', was ordered to a third reading, was read the third time, and passed.

CONDEMNING THE ACTIONS OF THE BURMESE STATE PEACE AND DEVELOPMENT COUNCIL

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 160.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) condemning the actions of the Burmese State Peace and Development Council against Daw Aung San Suu Kyi and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I rise to note passage of a Senate resolution on Burma. This resolution reflects the U.S. Senate's unequivocal condemnation of the show trial currently being conducted by Burmese officials against Nobel Peace Prize Laureate Aung San Suu Kyi. It is bad enough that Suu Kyi has been imprisoned for 13 of the past 19 years. Now the Burmese regime, the State Peace and Development Council, has come up with the flimsiest of pretexts to try to detain her further. It appears the regime will do anything to consolidate its grip on power. One suspects that the regime wants Suu Kyi behind bars at least until elections under its sham constitution are held in 2010.

I am gratified that this resolution reflects the strong, bipartisan view of the Senate on this matter. This resolution, which was authored by Senator GREGG, is cosponsored by Senators FEINSTEIN, DURBIN, MCCAIN, BROWNBACK, LIEBERMAN, COLLINS, BENNETT, BOND and me. It is also cosponsored by the chairman and ranking member of the Senate Foreign Relations Committee, Senators KERRY and LUGAR. A clearer signal from this chamber about Suu Kyi could hardly be sent.

As I noted earlier in the week, the members of the Senate have been and will continue to monitor the trial of Suu Kyi with deep concern.

Mr. GREGG. Mr. President, this morning Secretary of State Hillary Clinton appeared before the State Department, Foreign Operations, and Related Programs Appropriations Subcommittee to discuss the fiscal year 2010 budget request for America's international affairs programs and operations. We had a productive discussion on the numerous and extraordinary challenges that our Nation faces in the world today.

During the hearing, I brought up the plight of Burmese democracy leader Daw Aung San Suu Kyi, who faces criminal charges stemming for an uninvited visit by an American citizen to her compound in Rangoon, a compound on which she has spent 13 of the last 19 years under house arrest. These charges are absurd and have been roundly, and appropriately, condemned by the international community.

Unfortunately, this is not an isolated incident but merely the latest attempt by General Than Shwe and the State Peace and Development Council to persecute Suu Kyi and her National League for Democracy party.

I regret that General Than Shwe has made clear his complete and total disinterest in improving Burma's relationship with the United States. It is apparent that any open hand will be met with a clenched fist.

The resolution my colleagues and I offer today recognizes the continued injustices in Burma, and it states unequivocally that we deplore and condemn the show trial of Suu Kyi. The resolution sends a clear message to Suu Kyi and her supporters that the Senate remains squarely on the side of freedom and justice in Burma.

I agree with Secretary Clinton that more can and should be done on a bilateral and multilateral basis to secure the release of Suu Kyi and all prisoners of conscience in Burma today. The resolution calls for the Secretary to reinvigorate such efforts, and I intend to continue to work with her in support of human rights in Burma.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas the military regime in Burma, headed by General Than Shwe and the State Peace and Development Council (SPDC), has carried out a longstanding and brutal campaign of persecution against Burmese democracy leader Daw Aung San Suu Kyi and her supporters in the National League for Democracy, ethnic minorities, and ordinary citizens of Burma who publicly and courageously speak out against the regime's many injustices, abuses, and atrocities;

Whereas the military regime in Burma is solely responsible for failing to provide for the basic needs of the people of Burma and has restricted the activities and movement of United Nations agencies and humanitarian nongovernmental organizations operating in Burma today;

Whereas Burmese democracy leader Daw Aung San Suu Kyi has been imprisoned in Burma for 13 of the last 19 years, and many members of the National League for Democracy have been similarly jailed, tortured, or killed;

Whereas Burmese democracy leader Daw Aung San Suu Kyi currently faces criminal charges by the military regime for breaking the terms of her house arrest, which arose from the uninvited visit of an American citizen; and

Whereas these criminal charges are consistent with other past actions by the military regime to harass and persecute Daw Aung San Suu Kyi and the National League for Democracy: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and deplores the show trial of Burmese democracy leader Daw Aung San Suu Kyi;

(2) condemns and deplores the criminal actions by the State Peace and Development Council against Daw Aung San Suu Kyi and members of the National League for Democracy;

(3) recognizes that currently conditions do not exist in Burma for the conduct of credible and participatory elections;

(4) calls for the immediate and unconditional release of Daw Aung San Suu Kyi and all prisoners of conscience in Burma;

(5) calls upon the Secretary of State to reinvigorate efforts with regional governments and multilateral organizations (including the People's Republic of China, India, and Japan as well as the Association of Southeast Asian Nations and the United Nations Security Council) to secure the immediate and unconditional release of Daw Aung San Suu Kyi and all prisoners of conscience in Burma; and

(6) calls upon the State Peace and Development Council to establish, with the full and unfettered participation of the National League for Democracy and ethnic minorities, a genuine roadmap for the peaceful transition to civilian, democratic rule.

RECOGNIZING JUNE 2009 AS THE FIRST HHT MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 161.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

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, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas according to the HHT Foundation International, Hereditary Hemorrhagic Telangiecstasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these ''vascular time bombs'' are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

RECOGNIZING LANGSTON GOLF COURSE

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 162.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 162) recommending that the Langston Golf Course, located in northeast Washington, DC and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history, and for other purposes.

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 upon the table, that there be no intervening action or debate, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 162) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 162

Whereas the Langston Golf Course was designated for construction by the Department of the Interior in the 1930s as a safe and expanded recreational facility for the local and national African-American communities;

Whereas Langston Golf Course was named for John Mercer Langston, the first African-American Representative elected to Congress from the Commonwealth of Virginia, and who also was a founder of the Howard University School of Law;

Whereas the Langston Golf Course is believed to be the first regulation course in the United States to be built almost entirely on a refuse landfill;

Whereas Langston Golf Course has been placed on the National Register of Historic Places, and the Capital City Open golf tournament has made Langston Golf Course its home for the past 40 years;

Whereas the first American-born golf professional of African-American ancestry was John Shippen, who was born circa 1878 in the Anacostia area of Washington, DC, placed fifth in the second United States Open golf tournament in 1896 when he was 16 years old, and helped found the Capitol City Golf Club in 1925;

Whereas the Capitol City Golf Club, eventually renamed the Royal Golf Club and Wake Robin Women's Club, historically has promoted a safe golf facility for African Americans in Washington, DC, especially during an era when few facilities were available, and these 2 clubs remain the oldest African-American golf clubs in the United States;

Whereas the Langston facility continues to provide important recreational outlets, instructional forums, and a ''safe haven center'' for the enhancement of the lives of Washington, DC's inner-city youth;

Whereas the Langston Golf Course and related recreational facilities provide a home for the Nation's important minority youth ''First Tee'' golf instruction and recreational program in Washington, DC;

Whereas Langston Golf Course's operations and its related facilities seek to increase course-based educational opportunities under the auspices of the National Park Service for persons under 18 years of age, particularly those from populations of the inner-city and historically underrepresented among visitors to units of the National Park System;

Whereas the preservation and ecologically-balanced enhancements via future public and private funding for the lands making up the 212 acres of the Langston Golf Course will benefit the National Park System's Environmental Leadership projects program, the Anacostia River Watershed, the city of Washington, and the entire Washington, DC metropolitan area;

Whereas Federal funds for enhancements to the Langston Golf Course have perennially been promised but rarely provided, even after the designation of Langston Golf Course as a ''Legacy Project for the 21st Century'', and after significant private funding and contributions were committed and provided; and

Whereas the Langston Golf Course and related recreational facilities traditionally have provided additional quality of life value to all residents of Washington, DC, and will do more so once upgraded to meet its obvious athletic and historical promise: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Langston Golf Course, its general management, and the Royal Golf and Wake Robin Golf Clubs are to be commended for their historical and ongoing contributions to the local Washington, DC community and the Nation;

(2) the Director of the National Park Service and the Secretary of the Interior should give appropriate consideration to the future budget needs of this important park in the National Park System that is a historical site, recreational facility, and educational center; and

(3) the Secretary of the Senate should transmit an enrolled copy of this resolution to the general manager of the Langston Golf Course.

DESIGNATING ''NATIONAL CHILDHOOD STROKE AWARENESS DAY''

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 163.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 163) expressing the sense of the Senate with respect to childhood stroke and designating an appropriate date as ''National Childhood Stroke Awareness Day.''

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, and the motions to reconsider be laid upon the table; that there be no intervening action or debate; that any statements related to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas a stroke, also known as a cerebrovascular accident, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 9 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas such disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of an appropriate date as ''National Childhood Stroke Awareness Day''; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 133.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 133) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 133) was agreed to, as follows:

H. CON. RES. 133

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his

designee, it stand adjourned until 2 p.m. on Tuesday, June 2, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 1, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on Friday, May 29, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN DULY AUTHORIZED BILLS AND JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment of the Senate, Mr. REED of Rhode Island be authorized to sign duly authorized bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO JOE LAPIA

Mr. REID. Mr. President, while we are waiting tonight for the staff to get the necessary closing papers ready so we can go out for the recess, I wish to say a couple of things about someone I have gotten to know over the past decade—Joe Lapia. I am going to miss tremendously, when we come back next work period, Joe not being in the cloakroom. He has been there for 10 years. He is a fixture in the cloakroom.

He is someone who is dependable, a great sport, and he is somebody who is so much fun to deal with. I love to talk sports with him. He is from Pittsburgh. I had to tell him—and I spread it on the record here—that the Pittsburgh teams have never been one of my favorites, but they are his. He went to Penn State. They have also not been one of my favorite teams, but they are his. And the records of the Steelers and Penn State speak for themselves—the great Joe Paterno and the wonderful records the Steelers have made. And Joe went to the White House today to see the world champion Super Bowl winners—the Pittsburgh Steelers.

Another thing I am going to miss is every time he went home—which was quite often, frankly—his mom would cook stuff. And maybe she thinks he ate it all, but he didn't. He brought stuff back, and we shared treats Mrs. Lapia fixed. Brownies were my favorite, but there were other things she cooked.

I think I can speak for the entire Senate family, the people who are here who make this place work, when I say we will all miss Joe. He is going to go off into the private sector now, which disappoints me because it is always hard getting used to new things. No matter who replaces Joe, there is only one Joe Lapia. He is someone I will always remember and I will always consider my friend.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAILROAD ANTITRUST ENFORCEMENT ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 33, S. 146, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 33, S. 146, the Railroad Antitrust Enforcement Act of 2009.

Harry Reid, Tom Harkin, Edward E. Kaufman, Mark Begich, Bernard Sanders, Carl Levin, Jack Reed, Sheldon Whitehouse, Christopher J. Dodd, Robert Menendez, Robert P. Casey, Jr., Charles E. Schumer, Kay R. Hagan, Max Baucus, Kirsten E. Gillibrand, Richard Durbin.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 47, H.R. 1256, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Tom Harkin, Edward E. Kaufman, Mark Begich, Bernard Sanders, Michael F. Bennet, Mark Udall, Patty Murray, Claire McCaskill, Carl Levin, Jack Reed, Sheldon Whitehouse, Christopher J. Dodd, Jeff Merkley, Robert Menendez, Charles E. Schumer, Max Baucus.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, the motion to proceed is withdrawn.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I now, as in executive session, ask unanimous consent that on Tuesday, June 2, after a period of morning business, the Senate proceed to executive session to consider Calendar No. 63, the nomination of Regina McCarthy to be an Assistant Administrator of EPA; that immediately after the nomination is reported the Senate proceed to vote on the confirmation of the nomination; upon confirmation, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and no further motions be in order and any statements relating to the nomination be printed in the RECORD; that the Senate then resume legislative session; that upon resuming legislative session, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 146.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATORS AND STAFF

Mr. REID. Mr. President, I want the record to reflect the cooperation of Dr. Barrasso, Senator BARRASSO. He had some concerns about this. We did our best to answer them. He has been very positive in his approach. He had some questions that needed to be answered. I think they have been answered, and I appreciate very much his being as courteous as he was through this whole process. He has been a real gentleman, and I appreciate it a lot.

Mr. President, let me express my appreciation to the Presiding Officer. All Senators are very busy, but you have been presiding for hours. That is a real burden. We all appreciate it, especially other Senators appreciate it. We have to have someone presiding.

I am so impressed with the skills that the Senator from Colorado has brought to us. I didn't know you before you were appointed by the Governor to come, but the people of Colorado should understand, using an overworked term, you hit the ground running. You have done so well. You adjusted so well to Senate life.

I say it twice tonight, I am very impressed, and I hope the people of Colorado understand what a good choice Governor Ritter made, choosing you to fill the seat of a terrific person, Ken Salazar.

Mr. President, I want all the staff to know of my appreciation. I speak for all of us. Every Senator would come and say the same thing, but I am the one here to express our appreciation for helping this process go forward. It is not easy.

As much time as I have spent over the years on this floor—and it amounts to, all added up—it has probably been years. As familiar as I am with everything, I couldn't do it without the help of the staff.

It is not only Lula Davis—she has been such a wonderful asset to the Democratic caucus—but also the help that I get from the Republican side, the staff. I think we were always very worried after Marty decided to go downtown. We wanted to make sure the same goodwill prevailed between David Schiappa and Lula Davis as we had before.

It is as good if not better. I am very happy with the cooperation we get. I wish I could express this personally to Senator MCCONNELL, but I think he will get the word.

ORDERS FOR MONDAY, JUNE 1, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 133 until 2 p.m, Monday, June 1; 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 there then be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; I also ask that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 33, S. 146, the railroad antitrust legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be no rollcall votes on Monday, June 1. The next vote will be around 11 o'clock on Tuesday, June 2. The vote will be on the nomination of Virginia McCarthy to be Administrator of the Environmental Protection Agency.

ADJOURNMENT UNTIL MONDAY, JUNE 1, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 9:51 p.m., adjourned until Monday, June 1, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

PAUL T. ANASTAS, OF CONNECTICUT, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE GEORGE M. GRAY, RESIGNED.

DEPARTMENT OF STATE

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE HARRY K. THOMAS, JR., RESIGNED.

DEPARTMENT OF JUSTICE

CRANSTON J. MITCHELL, OF VIRGINIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOSHUA D. ROSEN

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STUART W. SMYTHE, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

SCOTT K. RINEER

To be commander

CYNTHIA S. SIKORSKI

To be lieutenant commander

MARY P. COLVIN

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, May 21, 2009:

DEPARTMENT OF COMMERCE

CAMERON F. KERRY, OF MASSACHUSETTS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DEPARTMENT OF THE INTERIOR

MICHAEL L. CONNOR, OF MARYLAND, TO BE COMMISSIONER OF RECLAMATION.

DEPARTMENT OF STATE

PHILIP J. CROWLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

DANIEL BENJAMIN, OF THE DISTRICT OF COLUMBIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

PRISCILLA E. GUTHRIE, OF VIRGINIA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

THE JUDICIARY

FLORENCE Y. PAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

DEPARTMENT OF TRANSPORTATION

JOHN D. PORCARI, OF MARYLAND, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

ANEESH CHOPRA, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF STATE

JUDITH A. MCHALE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

ROBERT ORRIS BLAKE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

DEPARTMENT OF LABOR

SETH DAVID HARRIS, OF NEW JERSEY, TO BE DEPUTY SECRETARY OF LABOR.

NATIONAL MEDIATION BOARD

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2012.

DEPARTMENT OF EDUCATION

JOHN Q. EASTON, OF ILLINOIS, TO BE DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCE, DEPARTMENT OF EDUCATION FOR A TERM OF SIX YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SANDRA BROOKS HENRIQUEZ, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF TRANSPORTATION

PETER M. ROGOFF, OF VIRGINIA, TO BE FEDERAL TRANSIT ADMINISTRATOR.

DEPARTMENT OF THE TREASURY

MICHAEL S. BARR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. CHARLES B. GREEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL J. DARNELL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD K. GALLAGHER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TERRY G. ROBLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. DUNFORD, JR.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM A. BARTOUL AND ENDING WITH GEORGE T. YOUSTRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH PETER BRIAN ABERCROMBIE II AND ENDING WITH ERIC J. ZUHLSDORF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MARK H. PICKETT AND ENDING WITH RYAN A. WARTICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH HEATHER L. MOE AND ENDING WITH MARINA O. KOSENKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2009.

IN THE NAVY

NAVY NOMINATION OF DEANDREA G. FULLER, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH DANIEL G. CHRISTOFFERSON AND ENDING WITH ALBERT D. PERPUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 7, 2009.

EXTENSIONS OF REMARKS

IN MEMORY OF BRIAN O'NEILL

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to the life of one of the grand pioneers of the National Park Service, Brian O'Neill.

Brian was a passionate and dedicated advocate for our National Parks. He served as a magnificent steward of our beloved treasure, the Golden Gate National Recreation Area.

The Golden Gate National Recreation Area (GGNRA) encompasses 76,000 acres of land and 50 miles of shoreline within Marin, San Francisco and San Mateo Counties, and includes world-famous sites such as Alcatraz Island, Muir Woods and the Presidio of San Francisco. It is the most visited unit of our National Park System, receiving more than 20 million visitors annually, and is one of the largest urban National Parks in the world.

Brian O'Neill's leadership in our National Parks spanned more than 28 years. As General Superintendent of the GGNRA, Brian met the challenge of leadership in every measure. His enthusiasm soared to the heights of the giant redwoods of Muir Woods, his spirit of partnership spanned the Golden Gateway from Fort Point to Fort Baker, and his vision saw to the Farallone Islands and beyond.

On a daily basis, Brian inspired a staff of 425 employees, a volunteer force of over 20,000 and more than 30 major facility and program partners. Under his leadership, GGNRA has developed park operational partnerships that have served as national and international models.

Brian was a prominent figure in the transitioning of the Presidio of San Francisco from a military installation to a National Park. For more than two centuries, the Presidio stood as the Sentinel of the Golden Gate. Today, thanks to a strong public-private partnership, the Presidio has been transformed into a National Park like no other, and as a place of peaceful reflection and recreation for all people. The transformation of the Presidio from Post to Park has been exciting in its innovation, and is due in large part to Brian's leadership.

For more than a century, Fort Baker played a key role in the defense of San Francisco Bay. Today, thanks to the leadership and commitment of Brian, Congresswoman LYNN WOOLSEY and many others, Fort Baker offers a world-class retreat and conference center, a hands-on children's museum and learning center, and the Institute at the Golden Gate dedicated to dialog and action on global environmental issues. Ft. Baker's post-to-park transition was truly a collaborative effort that brought together the entire community—a hallmark of Brian O'Neill's leadership. Moving forward, Ft. Baker will play a key role in advancing the cause of both local and global environmental stewardship and preserving our planet for our children and the future.

Another highlight of Brian's lifetime of accomplishment was returning Crissy Field from the barren, broken asphalt of a former World War II airstrip to the historic wetlands and verdant marsh along the Presidio's window to the Bay. Crissy Field was one of the first attempts to restore historic wetlands along San Francisco Bay, and the first effort ever in San Francisco. Brian worked with Toby Rosenblatt, the Haas family and many others to bring the resources, talent and energy together in a great success that provides public recreation and environmental restoration. Today, Crissy Field serves as an example of the important alliance that can be developed between local and federal partners for the benefit of the community and for the entire National Parks system.

Brian provided leadership for the Bay Area Ridge Trail Council, the Bay Area Open Space Council, the Association for the Central California Biosphere Reserve, the San Francisco Planning and Urban Research Association, the Headlands Institute, the Rails-to-Trails Conservancy's California Advisory Council, the Gulf of the Farallones National Marine Sanctuary Advisory Council and the Save-the-Bay Association Advisory Council. He was a key advisor to the Department of the Interior on partnership matters.

As Phillip Burton, a goliath of our National Parks, stated when he created the law preserving GGNRA and the Presidio, ''Even in a remote setting, the features of this park would be outstanding.'' In furtherance of Phillip Burton's vision, Brian O'Neill's enduring legacy is an outstanding National Park that is sustainable, and accessible for all to enjoy, and is a great source of pride to all of us.

My colleagues in Congress and I are deeply saddened by his passing, and are grateful for the legacy of natural beauty and cultural heritage he has left for future generations to enjoy. We will miss his enthusiasm, his spirit and his vision. I hope it is of comfort to his wife Marti, and his children Kim and Brent, that so many of us share in their loss.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

SPEECH OF

HON. RON KLEIN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes:

Mr. KLEIN of Florida. Mr. Chair, I rise in strong support of H.R. 2352, the Job Creation through Entrepreneurship Act of 2009. This legislation comes at a critical time, as small businesses across the country are struggling to access credit and make payroll.

This legislation will create new small business development programs to increase access to credit, provide training on contract procurement and green entrepreneurship and offer additional guidance to veteran-owned small businesses veterans looking to start their own businesses upon returning home from service. This legislation will play a critical role in putting Americans back to work and helping established small businesses grow during these tough economic times.

I represent South Florida, which has 1.1 million small businesses—one of the highest concentrations of small businesses in the country. Unfortunately, in 2008, SBA loans in South Florida fell approximately 40 percent—10 percent higher the national average. I've met with countless small business owners in my district who, despite strong credit and responsible lending histories cannot access credit at a reasonable rate. These new and enhanced entrepreneurial development programs will serve as a lifeline for small business owners in my home state of Florida, and throughout the country. By providing one-on-one counseling, continued guidance and support for potential entrepreneurs and struggling small business owners, we can help our small business community weather these tough economic times, increase sales and get our economy back on track.

I urge my colleagues to support this important legislation,

TRIBUTE TO SAINT JOHN'S BAPTIST CHURCH ON ITS 100TH ANNIVERSARY

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the St. John's Baptist Church of Scotch Plains, New Jersey on the celebration of its centennial anniversary. Established in 1909, St. John's has continuously served the needs of its congregation and the community.

Throughout the illustrious history of St. John's Baptist Church, effective leadership has been at the core of all the accomplishments the church has had. Beginning with Pastor Parson and continuing with Pastors Gatewell, Hamlett, Sweeney, Glover and the current pastor, Rev. Dr. Kelmo Curtis Porter, Jr. St. John's has made many physical enhancements over the years. In addition to its leadership, the success of all of St. John's initiatives can be attributed to the faith, hope, commitment and prayers of the loving membership that fill the pews of this landmark facility. In fact, many of St. John's congregants have been members of the church all of their lives and some are second or third generation members. Clearly, this degree of devotion is representative of the marvelous ministries taking place within the church.

A Gala being held on May 17, 2009 at Pines Manor in Edison, New Jersey in honor

● 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.

of this important milestone will feature a variety of distinguished supporters, ministers and friends. The theme of the centennial, ''100 Years Working for the Lord'' celebrates the story of a church deeply rooted in faith and Christian values. Those values include integrity, caring and preaching the word of God. St. John's is blessed to have a membership that is proud of its roots, passionate about its present and hopeful for its future.

Madam Speaker, I know my colleagues agree that St. John's Baptist Church and the surrounding community have every right to be pleased with the lasting contributions the church has made to the residents of Scotch Plains. I am pleased to congratulate St. John's on its first 100 years.

HONORING TRUSTEE JOSEPH DEVLIN

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ROSKAM. Madam Speaker, I rise today to honor Joseph Devlin for his forty years of devoted service to the Village of Roselle. After his long service to the Village, he has announced that he plans to retire.

Joe's first experience in elected office was in 1969, when he was elected Village Trustee. He served as Mayor from 1973–1981, and then returned to his post as Trustee from 1981 to 2009.

Through the years, Joe has been an insightful observer, keen in his understanding of the long-term challenges facing the Village. Throughout his career, he has tackled challenges with deft skill, deep understanding, and strong personal integrity.

While Roselle has gone through many changes over the years, one thing has remained the same. Trustee Devlin has kept a steady hand to the wheel, working tirelessly for the benefit of his community.

Joseph Devlin has been an advocate for the people of Roselle since his very first days in office. He has affected countless lives, and left an indelible impression on Roselle and its residents.

Madam Speaker and Distinguished Colleagues, Joseph Devlin is a remarkable man who has dedicated his life to serving the people of Roselle. Please join me in honoring him for his extraordinary career.

IN RECOGNITION OF THE HONOREES OF THE LEXINGTON DEMOCRATIC CLUB

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the honorees of the Lexington Democratic Club's Annual Dinner and its 60th Anniversary celebration. At its 60th Anniversary celebration at the Yale Club in Manhattan, the Lexington Democratic Club is honoring its living former Presidents, State Committee Members, and District Leaders.

As the first political club dedicated to reform in New York City, the Lexington Democratic Club has sought to increase inclusive civic participation, promote transparent, open government, and support the merit-based selection of judges. Its leaders reflect the best ideals of the Club and have devoted their volunteer efforts to supporting the Club's proud mantle of reform.

Among those being honored are Ann Pinciss Berman, Joanne Bing, Jonathan L. Bing, John Bradley, William Bryk, Reita Cash, David L. Cohen, Pat Falk, Conrad Foa, Neil V. Getnick, Brenda Goodman, Zachary R. Greenhill, Roger Grimble, Paul Hellegers, Russell Hemenway, Nikki Henkin, Bernard E. Jacob, Barbara Kloberdanz, Richard Lane, Heather K. Leifer, Robert J. Levinsohn, Andrew Lowenthal, Robin Marsico, Trudy L. Mason, Gail Melhado, John K. Mills, Jane Lowe Parshall, Peter Philip, Robert Plautz, Warrie Price, Joanne Pugh, Lawrence M. Rosenstock, Marjorie Sachs, H. Richard Schumacher, Felice Shea, Diane Staab, Michael Stolzer, Alexander M. Tisch, David Tyson and Roger Waldman. Many of these individuals went on to win political office, to be elected as judges or to take on other roles in public service. All of them care deeply about the community and have worked to make New York City a better place to live.

Throughout its storied, sixty-year existence, the Lexington Democratic Club of New York City has proudly carried the banner of reform and good government. It is fitting that, as the Club celebrates the conclusion of its sixth decade, its members honor those civic and political leaders who were inspired by its noble ideals and who worked with such dedication and energy to effect them.

Madam Speaker, I ask that my distinguished colleagues join me recognizing the significant contributions to our civic and political life made by the 2009 honorees of the Lexington Democratic Club of New York City.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BECERRA. Madam Speaker, I was unavoidably detained yesterday and missed rollcall vote 279. If present, I would have voted ''yea.''

IN HONOR OF STUDENTS OF HARVARD ELLIS TECHNICAL HIGH SCHOOL

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize the gifted students of my district from the Harvard Ellis Technical High School of Danielson, Connecticut. On May 15, 2009, the students won awards at the 6th Annual Plastics Expo held at Quinebaug Valley Community College, QVCC, in Danielson, Connecticut. The expo paired teams of students from six area high schools with representatives from local plastics companies. This is the second time that Ellis THS has entered the competition. Over six months, they worked with their company team of WEB Industries Hartford, Inc., manufacturer of film products, to design, create, test, and market a product using the company's technology.

They won for their product, the ''Eagle Air,'' a filter screen that uses three layers of plastic screening to filter out the smallest particles of pollen in the air. The device is translucent and can be adjusted to fit any window. Their presentation included a PowerPoint, prototype models, a video commercial, and a detailed book describing their process.

The students won both the ''People's Choice Award'' and the ''Judges' Award.'' The People's Choice Award was determined by the vote of the audience and the Judges' Award was determined by a team of three judges chosen for their expertise in engineering, design, and marketing. Team members included Andrew Conkey, Abigail Corcoran, Victoria LaMonda, Sara Rondeau, Cameron Fisher, Elana Shong, Holley DeParasis, Nicole Carlson, and Justin Fortier. The group leaders were Kathy Burr and Laura Burke. The team MVP was Nicole Carlson. The Department of Commerce, Quinebaug Valley Plastics Institute, and the QVCC College Career Pathways Program supported the event to promote workforce development.

Madam Speaker, I am proud and pleased to honor these nine students and their team leaders for their innovative creation, sound business practices, and teamwork. These students have a bright future and signal that eastern Connecticut is a place for research, technology, and product development. I also commend the efforts of the sponsors of the Annual Plastics Expo in building partnerships between students and local businesses, and in promoting excellence in trade and technology. I ask my colleagues to join with me and my constituents in recognizing these contributions.

HONORING COACH EDWARD STANLEY TEMPLE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. COOPER. Madam Speaker, I rise today to pay tribute to Edward Stanley Temple, a man whose dedication to coaching track and field has earned him recognition as Tennessee's most honored and accomplished track and field coach.

Born September 20, 1927 in Harrisburg, Pennsylvania, Coach Temple was himself an all-state athlete in track, football and basketball. Temple graduated from Tennessee State University (TSU) in Nashville, Tennessee, earning both Bachelor of Science and Master of Science degrees. For forty-four years, he served as the head women's track coach at TSU and taught sociology.

During the 1950s and 1960s, Coach Temple's ''Tigerbelles'' dominated the sport of track and field, earning a total of 23 Olympic medals, 13 of them gold. Coach Temple's Tigerbelles won their first medal in the 1952 Olympic Games when fifteen-year-old Barbara Jones Slater became the youngest woman to win an Olympic gold medal in track and field. One of the most notable Tigerbelles, Wilma Rudolph, became the first female athlete to

win three gold medals during the 1960 Olympic Games in Rome, Italy.

Coach Temple was the head women's track coach for two consecutive U. S. Olympic teams, in 1960 and 1964, as well as an assistant coach for the 1980 games. In addition to his coaching ability, Coach Temple was also a strong proponent of education and to his credit, thirty-nine of the Tigerbelle Olympians graduated from college with one or more degrees.

Coach Temple continues to contribute to the greater Nashville community as an active member of the YMCA, Omega Psi Phi Fraternity, Inc., Nashville Sports Authority, New Hope Academy and Clark Memorial United Methodist Church.

On Tuesday, May 26, 2009, Coach Temple will be honored for his lifetime of achievements at an event in Nashville, Tennessee named ''The Man, The Memory, The Mission.''

Today, I join the citizens of my district in honoring Coach Edward Temple and his inspiring legacy that lives on in Nashville and throughout the world.

IN TRIBUTE TO EDWARD J. MALLOY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Ed Malloy, an extraordinary man who has served with distinction as President of the New York State and New York City Building & Construction Trades Councils, representing more than 200,000 working men and women across the great Empire State. Mr. Malloy has also served as Vice President of the New York State AFL-CIO, as an Executive Board Member of the New York City Central Labor Council, and as a member of the Board of Directors of the New York Building Congress.

Prior to his leadership of the Building and Construction Trades in New York, Mr. Malloy served as the chief executive officer of the Enterprise Association of Steamfitters Local Union 638. A proud veteran of the United States Army, he graduated with a Bachelor of Science degree from the State University of New York—Empire State College, and earned a certificate in Labor Studies from Cornell University's New York School of Industrial Relations.

As President of the Building and Construction Trades since 1992, Mr. Malloy dedicated himself to fighting for union members across New York State. Working with private sector leaders and government officials alike, Mr. Malloy justly developed a reputation for being a fierce advocate for working men and women who always kept labor movement's critical mission at the forefront, but also never hesitated to reach out to management in a spirit of mutual respect and cooperation. Under his tenure, important new infrastructure and real estate projects were launched and completed and countless new jobs were created, all within a framework of fairness and justice for the laborers he represented. Particularly noteworthy have been Ed Malloy's successes in negotiating agreements between unions and their employers that have saved millions in taxpayer dollars.

Ed Malloy has played a pivotal role in transforming the composition of New York's unionized construction workforce and helping previously under-represented minorities in achieving equal opportunities. Today, more than half of all apprentices in the construction trades are members of minority groups in no small part thanks to his leadership. Ed Malloy also helped launch ''Helmets to Hardhats,'' a national program that fast-tracks veterans of the armed forces into promising careers in the industry.

Mr. Malloy's leadership was an integral element in forging the historic Project Pathways agreement, which directs talented high school students toward vocational careers through a symbiotic partnership of New York City public education and the apprenticeship system of the Building and Construction Trades. This innovative collaboration brings essential opportunities to new generations of American workers. Through Ed Malloy's leadership, participating unions have thus far invested $4 million of post-secondary scholarship funds to the Project Pathways program. In today's era of global competition and financial uncertainty, Mr. Malloy has remained devoted to providing young people with the skills they need to flourish in meaningful jobs at good wages.

Mr. Malloy has devoted himself in service to the community and to his beloved family. A past recipient of the Ellis Island Medal and Grand Marshal of the New York City St. Patrick's Day Parade, he has also served as a Member of the Board of Directors of the Lower Manhattan Development Corporation, New York State Blue Cross/Blue Shield, the Police Athletic League, and as Chairman of the National Museum of Catholic Art and History, among many other well-known and well-respected institutions. He has been a family man throughout his life, devoted to his wife, Marilyn, his two daughters, Theresa and Anne, and his seven grandchildren.

Madam Speaker, I ask that my colleagues join me in honoring Ed Malloy, a great American whose life's work has improved the lives and working conditions of countless individuals.

IN HONOR OF MIKE CURRAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today in honor of a talented and dedicated public servant, Mike Curran. For the past twenty-three years Mike has been the director of the NOVA workforce board. NOVA is a nonprofit, federally funded employment and training agency that provides customer-focused workforce development services in cooperation with the local community of business owners and educators in Silicon Valley. NOVA was founded twenty-five years ago and Mike has been the director for all but two of those years. Under his leadership, NOVA has received international recognition for its ability to design, develop, and deploy cutting edge operations that meet the unique talent development needs of Silicon Valley. It goes without saying that it is Mike's leadership and vision that has made this possible. He has been described as ''a premier example of the Silicon Valley work ethic—tireless, unstoppable, someone with his finger on the pulse of how employment affects our daily lives'' and I cannot agree more. Mike has dedicated his life to community organizing, development, and service. His commitment to Silicon Valley is lifelong—Mike was born and raised in Silicon Valley and has chosen to make his home there with his wife Elaine and their two children, Brendan and Megan. As we celebrate Mike Curran's retirement from NOVA workforce board, I cannot help but be saddened by it. However, I am certain that this is not the end of Mike's service to Silicon Valley or his commitment to making a difference in the day-to-day lives of the people in our community.

A PROCLAMATION HONORING SPC LESTER M. DANLEY FOR RECEIVING THE BRONZE STAR MEDAL WITH ''V'' DEVICE CITATION FOR HEROISM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. SPACE. Madam Speaker:

Whereas, SPC Danley was assigned as a machine gunner with Company D, 1st Battalion (Mechanized), 50th Infantry; and

Whereas, SPC Danley was involved in a combat mission near Bong Song, Vietnam on December 10, 1967; and

Whereas, SPC Danley repeatedly exposed himself to enemy fire in order to give his fellow soldiers time to evacuate their wounded comrades; and

Whereas, SPC Danley went so far as to move his vehicle directly into the line of enemy fire in order to protect another disabled armored personnel carrier; and

Whereas, SPC Danley was able to inflict numerous enemy casualties during the facilitation of his comrades' evacuation with no regard to his own personal safety; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate SPC Lester M. Danley on winning the Bronze Star with ''V'' Device for heroism and gallant action. We recognize the incredible determination, loyalty, courage, and valor he displayed for his comrades on that day in December 1967, and all the days of his service to the United States Army.

A TRIBUTE TO J. PAUL RUSSELL

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KISSELL. Madam Speaker there was a time in our communities across the Eighth District that in addition to our own family and our church family, many of us were also part of the same work family. We marked time by the whistle blowing to change shifts and met our friends at the gate as we were coming and going. Even if you worked for a different mill than others we all shared a common experience. After 27 years in the textile industry, I

have a very large work family and a man I considered the father of that family passed away April 19.

J. Paul Russell was a visionary, not only in the textile industry but as a community leader as well. With Mr. Russell's passing, Montgomery County has lost a true legend and one of its most impassioned leaders.

Mr. Russell had a personal interest in all his employees. He treated all people with respect. He knew the names of their children and grandchildren. I worked closely with his son Charles during my time at the mill, and Charles treated people the same way. It is why people chose to work at the Mills for 20 or 30 years.

It was this type of determination and commitment that helped our communities prosper, and that we miss so much now that so much of the textile industry is gone.

Mr. Russell was part of the ''Greatest Generation'' and he had that entrepreneurial spirit. The textile industry was just one of his many contributions to our community. He was instrumental in bringing the county airport to Star and the hospital to Troy.

During those years, so many of us here in Montgomery County relied on the Russell family for our livelihood. For a period of many years, the Mill employed 800 people from our community. But it wasn't just jobs that the Russell family provided, it was community leadership. They didn't just live in our communities—they were our county commissioners, Boy Scout leaders, served on town board—much of which Mr. Russell did himself.

There were and are Mr. Russell's in every community across our District. We all know how our communities have been affected by the loss of the textile industry. It was not only the loss of jobs which we still struggle to replace, but it was the loss of leadership as well. These families provided so much leadership in our community, and it was all gone so quickly.

One of the things I will always remember about J. Paul Russell was his spirit. He was an amazing person, one that attacked life with gusto, not just in his work but when he was having fun as well. He lived his life to the fullest.

This is a chance for me to honor, not only Mr. Russell and his family for their contributions, but to all of those people who make a difference in our community.

Those special people are scattered throughout our District. They spend their time doing things they know will better their community and make a difference in the lives of the people around them. It is the best legacy we can hope to leave. It is the legacy that J. Paul Russell has left. Mr. Russell will dearly be missed by his family, friends, and community, and his contributions made to our community.

PROFESSOR CHARLES E. DIRKS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend Professor Charles Dirks, on the occasion of his retirement from Los Angeles Mission College. I have had the pleasure of working with him on important issues in our community for more than two decades and know firsthand of his many accomplishments.

Professor Dirks comes from a long line lineage of community activists, a lineage that has helped fuel his tireless fight for Southwest College, Mission College and the entire Los Angeles school system.

Upon graduating from Occidental College, Professor Dirks got an invitation from R. Sargent Shriver, the Director of the Peace Corps to join ''Ghana One'' and teach in the very first Peace Corps group. During this time, he built two schools in Ghana and helped build the first public library in Liberia. He also set up community development training programs for the Peace Corps in Puerto Rico and helped build flood control dams in Kenya. This experience led to his lifelong mission of rebuilding and working in the Los Angeles education community's areas of need.

By joining the community college district, and becoming the Faculty Guild President, Professor Dirks helped erect permanent buildings in the north-east San Fernando Valley, where a college was most needed. A long time volunteer in politics, he used his experience as a co-campaign coordinator for Bobby Kennedy to lobby then-city councilman Tom Bradley on getting permanent structures on the Southwest College campus.

Professor Dirks knows that ''it takes a village'' and over the years he has received numerous accolades and great support from his community. He is deserving of commendation for his tireless campaign to secure adequate higher education in the northeast San Fernando Valley. With a combination of union backing and political tenacity, Professor Dirks was able to secure a budget for Mission College from then Governor Deukmajian. As one of the founding faculty members of Mission College, he was instrumental in organizing the faculty into a union and putting together support for a permanent site and buildings. The Chancellor and both the California State Senate and Assembly have named Professor Dirks ''The Faculty Father of Mission College.''

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Professor Dirks for his impressive career and dedication to the people of the San Fernando Valley, and to congratulate him on the occasion of his retirement.

RECOGNIZING NATIONAL FOSTER CARE MONTH

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise today in proud support of H. Res. 931, a resolution recognizing National Foster Care Month. I thank my friend and colleague on the Ways and Means Committee, Chairman McDermott, for sponsoring this important resolution.

During National Foster Care Month, we pay tribute to the half million children presently in the child welfare system and the many others in the network—mentors, volunteers, friends, extended families, and organizations who fill in the gaps in Federal and State coverage to help these young people find their way.

In Georgia, there are thousands of children living in foster care. These young people—of all race, ages, and backgrounds—were victims of neglect and abuse. Madam Speaker, as parents we know that children require stability and permanency to thrive. Love and security help the development of healthy and confident young adults. Sadly, due to circumstances beyond their control, foster children are uprooted from their homes and represent the one of largest constituencies of displaced people in the United States. In fact, numerous studies show the increased difficulties foster children must overcome, especially the lack of support for foster care youth as they transition to adulthood and independence.

Child welfare services have a shared goal to find safe, stable, and loving homes for these young people. Unfortunately, this dream is not always realized. Last year, Congress passed and the President signed the Fostering Connections to Success Act. This legislation was an important step in improving the nation's child welfare system, but more can be done. I look forward to continuing to work with my friends and colleagues on the Ways and Means Committee Subcommittee on Income Security and Family Support to improve the experiences of those young people living in and preparing to exit foster care.

Madam Speaker, each and every young person has a right to a childhood. During National Foster Care Month, I hope that communities around the country really come together and think of ways to improve the lives of young people in the child welfare system.

A PROCLAMATION HONORING STAFF SERGEANT JOSEPH SOLVEY FOR RECEIVING THE SILVER STAR MEDAL CITATION FOR GALLANTRY IN ACTION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. SPACE. Madam Speaker:

Whereas, Staff Sergeant Solvey was assigned as a Private First Class to Infantry Company E, 104th Infantry Regiment, US Army; and

Whereas, Staff Sergeant Solvey was involved in a morning attack near Bettborn, Luxembourg on December 22, 1944; and

Whereas, Staff Sergeant Solvey refused an evacuation order and, though injured, put himself at substantial personal risk to eliminate a German tank threatening to break the American position; and

Whereas, Staff Sergeant Solvey enabled his company to accomplish its objective by moving in the face of fire and showing great personal courage and valor; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Staff Sergeant Solvey on winning the Silver Star for gallantry in action. We recognize the tremendous sacrifice, determination, and courage that he displayed that day in December 1944, and all the days of his service to the United States Army.

HONORING COLONEL SCOTT VANDER HAMM

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to honor Colonel Scott Vander Hamm, commander of the 28th Bomb Wing at Ellsworth Air Force Base in South Dakota, for his commendable record of service to our country. Colonel Vander Hamm is leaving Ellsworth for a new assignment, but his efforts have left a lasting impact on Ellsworth, my state of South Dakota, and the security of our country.

Over the course of a career that has seen him earn the Distinguished Flying Cross and the Bronze Star, Colonel Vander Hamm has logged more than 4,200 hours as a pilot, which adds up to 167 days in the air. He has the flown the B–52, the B–2 and now the B–1. He flew a combat mission the first night of Operation Iraqi Freedom, a mission Col. Vander Hamm has referred to as one of his most memorable flights. As the 7th Operations Group Commander, Colonel Vander Hamm also led planes in support of Operation Enduring Freedom, and the expeditionary group he commanded flew over 900 combat and combat support missions.

However, Colonel Vander Hamm describes himself as an officer first and an aviator second. At Ellsworth, he commanded the largest B–1 combat wing in the U.S. Air Force, with 29 aircraft and more than 4,300 personnel. His organizational skills and drive kept that force in top shape, ready to respond to a crisis at a moment's notice.

He's also a proud family man. His wife Joanna, seven daughters and four sons have all helped shape the Colonel into a great leader of men and women. The Vander Hamms have become an important part of the Ellsworth family and their looming absence will be felt by the entire base.

The leadership and diligence shown by Colonel Vander Hamm and our nation's other military commanders are second to none. I am personally immensely grateful for the values and honor that soldiers such as he have instilled in the fabric of our society. And I am sure the people of South Dakota and the entire country join me in thanking him for his sacrifices in helping keep all of us safe.

Madam Speaker, it is with enduring pride and respect that I rise today in recognition of Col. Vander Hamm and his service at Ellsworth Air Force Base. The state of South Dakota will miss him, but we are all fortunate that his service to our nation continues.

HONORING CHARLIE WINTERS

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the memory of Charlie Winters. Mr. Winters was an ordinary Florida businessman who played an extraordinary role in history.

In 1948, he provided an aircraft to the Jewish armed forces in pre-war Israel for its defense during the Israeli Independence War. Had Mr. Winters and other Americans not provided this assistance at such a critical time, Israel may not have survived as an independent state and become one of our Nation's staunchest allies. However, Mr. Winters was not honored at the time for his heroism. Instead, he was arrested and convicted under the ''Neutrality Act'' for his role in Israel's founding. In fact, he was one of a handful of Americans convicted and he was the only one to serve a prison sentence.

Mr. Winters was released from prison on November 17, 1949 and lived a humble and quiet life thereafter in Miami. In 1984, Mr. Winters passed away, and never told his family about his story. But, his obituary in the Miami Herald was entitled ''Charles Winters, 71, Aided Birth of Israel,'' and noted that he was honored by the late Golda Meir, and had earned ''a place of distinction among the Americans who banded together clandestinely at the end of World War II to help Jews establish a state in Palestine.''

Last year, several of my colleagues and I sent a letter to the United States Justice Department, asking for a posthumous pardon for Mr. Winters. We are grateful that President Bush issued a pardon in December, thereby clearing Mr. Winters name and providing comfort to his family.

Today, the Jewish Federation of Palm Beach County's Jewish Community Relations Council will be hosting Jimi Winters, the son of Charlie Winters, to honor the memory of his father. While I regret that I cannot be with them today, I join them in their celebration of Mr. Winters' memory. Mr. Winters' actions helped secure the independence of the state of Israel, thereby establishing a beacon of democracy in the Middle East.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Monday night, May 18, 2009, I was unable to cast my votes on H. Res. 300, S. 386 and H. Res. 442 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 267, on suspending the rules and passing H. Res. 300, Congratulating Camp Dudley YMCA of Westport, New York, on the occasion of its 125th anniversary, I would have voted ''aye.''

Had I been present for Rollcall No. 268, on suspending the Rules and agreeing to the Senate Amendments to the House Amendments on S. 386, the Fraud Enforcement and Recovery Act, I would have voted ''aye.''

Had I been present for Rollcall No. 269, on suspending the Rules and passing H. Res. 442, Recognizing the importance of the Child and Adult Care Food Program and its positive effect on the lives of low-income children and families, I would have voted ''aye.''

A PROCLAMATION HONORING PRIVATE FIRST CLASS (PFC) EUGENE F. WOOD FOR RECEIVING THE BRONZE STAR MEDAL WITH ''V'' DEVICE CITATION FOR HEROISM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. SPACE. Madam Speaker,

Whereas, PFC Wood was assigned as a rifleman to Company C, 3rd Battalion, 60th Infantry Regiment, 9th Infantry Division; and

Whereas, PFC Wood was involved in a combat mission in Vietnam on January 10, 1968; and

Whereas, PFC Wood's company came under heavy enemy fire while moving to the aid of another company; and

Whereas, PFC Wood saw a fellow soldier fall wounded in an open rice paddy between his position and the enemy position; and

Whereas, PFC Wood completely disregarded his personal safety and immediately moved forward to treat his wounded comrade; and

Whereas, PFC Wood sustained multiple wounds from automatic weapons fire while attending to his comrade but refused to retreat or stop his treatment; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Private First Class Eugene F. Wood on winning the Bronze Star with ''V'' Device for heroism and gallant action. We recognize the incredible determination, loyalty, courage, and valor he displayed for his comrades on that day in January 1968, and all the days of his service to the United States Army.

HONORING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE OMAHA DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. TERRY. Madam Speaker, I rise today to honor the establishment of the Omaha District of the U.S. Army Corps of Engineers 75 years ago. Since that time, the Omaha District of the Corps has performed admirably in a wide range of duties, and today manages more than a billion dollars worth of civil works, military construction, and environmental restoration projects. Members of the Omaha District of the U.S. Army Corps of Engineers currently serve in Afghanistan and Iraq as part of the Global War on Terror.

When the Omaha District was established in 1934, its initial mission was the construction of the Fort Peck Dam in Montana. That project was the first of many that resulted in the construction of a total of 6 dams along the main stem of the Missouri River that provided necessary jobs during the Great Depression. This was just part of the Corps' efforts to harness the mighty Missouri River basin through construction of a vast set of engineering projects

which control flooding, facilitate commerce by improving navigation, generate electricity, and spur agriculture. These projects evolved into a flood control system that has prevented over $25 billion in flood damages to date.

During World War II and the Cold War, the Omaha District of the U.S. Army Corps of Engineers was involved in numerous aspects of our nation's defense. It constructed the assembly plant for the B–29 Superfortress and the B–26 Marauder, and gained technical expertise in constructing runways which proved valuable for Army Air Force training. The Omaha District also was involved in the construction of the Northern Area Defense Command in Colorado, facilities for Space Command, and various missile control and launch facilities throughout the Midwest. Following the Cold War, the Omaha District helped lead on environmental remediation by removing ordnance from closed bombing ranges, containing below ground chemical plumes, and remediating landfills and wetlands.

In 1982, the Corps added environmental cleanup to its mission. Since that time the Corps has provided technical expertise to the Environmental Protection Agency's Superfund cleanup projects. In fact, the Corps' Omaha District became the Center of Expertise for Hazardous and Toxic Waste. Individuals trained at this facility have assisted in EPA environmental cleanup of projects in California and Pennsylvania. The Omaha District continues to take the lead in remediation of hazardous, toxic, and radioactive waste sites in current and former military sites.

For 75 years, the Omaha District has answered the nation's call for service. I commend the Omaha District Corps' continued commitment to military construction, improving civil works and environmental restoration both in Nebraska and throughout our nation under the current leadership of Colonel David Press. The Omaha District of the U.S. Corps of Engineers has earned the recognition of Congress on the celebration of the 75th anniversary of its founding.

IN HONOR OF MEMORIAL DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GREEN of Texas. Madam Speaker, I wish to honor our fallen veterans this Memorial Day on May 25, 2009. Our veterans, as well as our troops, risked their lives and their livelihoods for their country and for our freedom. They deserve our utmost respect and appreciation.

Memorial Day was initially called Decoration Day. After the Civil War, Americans honored fallen soldiers in the Union and Confederacy by decorating the soldiers' graves. After World War I, Memorial Day became a day to honor all American soldiers who died in war. In 1971, Congress declared Memorial Day as a national holiday celebrated on the last Monday in May. Today, the national celebration of Memorial Day is held at Arlington National Cemetery. It is a ceremony of sincere solemnity, as well as one of great pride because it pays tribute to those who made the ultimate sacrifice while defending the American flag.

While we pay tribute to our fallen heroes, it is important that we also recognize those veterans who fought valiantly and returned home to their loved ones. Our nation's heroes who fought so bravely to defend the American Dream also deserve the opportunity to achieve it. According to the U.S. Department of Veterans Affairs (VA), on any given night in this country, between 150,000 and 200,000 adult veterans live on the streets, in shelters or in community-based organizations. Unfortunately, approximately 150,000 homeless heroes do not have access to the vital permanent housing and supportive services they need each year.

Last year, I introduced H.R. 3329: The Homes for Heroes Act to address this problem. My bill will provide shelter for homeless veterans and their families and help prevent low-income veteran families from falling into homelessness. On July 9, 2008, the Homes for Heroes Act passed the House by a vote of 412–9, but did not make it through both chambers. Fortunately, the author of the Senate companion bill, former Senator Barack Obama, is now the President of the United States. Therefore, I look forward to working with this Congress and our current President to pass this very important legislation in the 111th Congress. The Homes for Heroes Act will truly honor those who have sacrificed for our country by providing them with the assistance they deserve and have so deeply earned.

I ask all of my colleagues and fellow Americans to pause and observe the great sacrifice that our fallen heroes and veterans made for our beloved country. Our military men and women were there to answer their nation's call to duty and now our government must prove that we will be there for them. In words, deeds and actions, our nation's heroes have earned it. This is the least a grateful nation can do.

THE 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. HARE. Madam Speaker, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

Schools all over my district are struggling to find the money to pay for the most basic school repairs, let alone the funding to upgrade school facilities to meet the needs of 21st century learners.

It is estimated that the national need for school construction and renovation is somewhere between $100 billion and $300 billion. While school construction funding has traditionally been a State and local responsibility, the magnitude of the challenge warrants a small Federal role—a role that could help Lewistown Community High School in my district repair a leaky roof and replace World War II era equipment.

The bill before us authorizes $6.4 billion to address unmet school modernization needs. Additionally, the bill guarantees that our nation's lowest-achieving school districts receive a minimum grant of $5,000 for school enhancement projects.

I am also pleased that this bill encourages schools to make energy efficient improvements. By dedicating the majority of funds to green building projects, H.R. 2187 will save schools an average of $100,000 each year in energy costs alone—enough to hire two additional full-time teachers, purchase 5,000 new textbooks, or buy 500 new computers.

Education infrastructure is not an expenditure, it is an investment in our Nation's future. Many of our students are being taught in unsafe and unhealthy conditions that make high-quality learning impossible. H.R. 2187 turns crumbling schools into environments ripe for learning.

Madam Speaker, I urge all my colleagues to vote for H.R. 2187.

HONORING POLICE OFFICERS AND LAW ENFORCEMENT PROFESSIONALS DURING POLICE WEEK

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 426, a resolution that honors and celebrates National Peace Officers' Memorial Service Observance Day on May 15, 2009 and National Police Week, May 11–15, 2009.

President John F. Kennedy first proclaimed May 15th as National Peace Officers' Memorial Day. Every year on this day, we celebrate the lives and honor the deaths of our fallen law enforcement officers. We also recognize the important role that our peace officers play in the daily lives of all citizens, and the responsibilities, hazards, and sacrifices of their work.

As a former police officer, I salute those law enforcement officers who died in the line of duty in 2008 and continue to honor those police officers who gave their lives in past years. I join my colleagues on the Congressional Law Enforcement Caucus in urging continued support for programs, such as the Community Oriented Policing Services (COPS) program, to hire additional police officers and help law enforcement acquire the latest crime-fighting technologies.

Mr. Speaker, I ask my colleagues to join me in recognizing and paying respect to our fallen heroes. In these difficult and changing times, we honor their work to protect our communities and families and promote safety and peace on our streets. I urge my colleagues to support this resolution.

A PROCLAMATION HONORING CORPORAL CARLOS M. EASTERDAY FOR RECEIVING THE BRONZE STAR MEDAL WITH ''V'' DEVICE CITATION FOR HEROISM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. SPACE. Madam Speaker:

Whereas, Corporal Easterday was assigned as a Private First Class to Company E, 19th Infantry Regiment, 24th Infantry Division; and

Whereas, Corporal Easterday was involved in a combat mission near Kumsong, Korea on August 8, 1951; and

Whereas, Corporal Easterday exposed himself to two separate fixed automatic weapons positions in order to relieve his platoon from deadly suppression fire; and

Whereas, Corporal Easterday eliminated both positions with expert use of both rifle fire and hand grenades while completely unsupported and exposed to enemy fire; and

Whereas, Corporal Easterday's actions allowed his platoon to advance on the flank of their objective and quickly capture it, saving lives and material with the speed of its accomplishment; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Corporal Carlos M. Easterday on winning the Bronze Star with ''V'' Device for heroism and gallant action. We recognize the incredible determination, loyalty, courage, and valor he displayed for his comrades on that day in August 1951, and all the days of his service to the United States Army.

IN HONOR OF BRENT LARKIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Brent Larkin, upon his retirement as Editorial Page Director of the Plain Dealer, where his political columns and news stories inspired emotion, provoked thought and blazed across the pages of our City's daily newspaper for nearly thirty years.

A native Clevelander, Brent Larkin graduated from Brush High School in 1965. He earned a bachelor's degree in journalism from Ohio University, and later a doctorate of law degree from Cleveland Marshall College of Law in 1986. He was admitted to the Ohio Bar in 1987.

Brent's interest in Cleveland's political scene was sparked in 1970, when he was hired by the Cleveland Press to cover the news at Cleveland City Hall. In 1976, he was named the newspaper's politics editor. In 1981, he joined The Plain Dealer as a politics writer then later as a columnist. In 1991, he was named director of The Plain Dealer's opinion pages. Brent Larkin has been honored several times over the years for his work in journalism, including an induction into the Cleveland Press Club Hall of Fame in October of 2002. Brent's editorial columns deftly highlighted Cleveland's political and social scenes for Ohio's largest newspaper.

Madam Speaker and Colleagues, please join me in honor and recognition of Brent Larkin, upon his recent retirement from The Cleveland Plain Dealer. Fearless in expressing his opinion, his columns were entertaining, informative and above all, his ability to zero in on the heart of an issue in just a few strategically written paragraphs earned him a constituency of readers that kept coming back to see what he would write next.

TAIWAN'S INVITATION TO THE WORLD HEALTH ASSEMBLY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GARRETT of New Jersey. Madam Speaker, at the end of last month, Taiwan received an invitation from the World Health Organization (WHO) to attend this year's World Health Assembly (WHA) meeting as an observer under the name ''Chinese Taipei.'' The WHA weeklong meeting started a few days ago on Monday, May 18, 2009 in Geneva, Switzerland.

This week marks the first time Taiwan has been allowed to participate in a meeting or activity of a specialized United Nations agency since losing its UN membership to China in 1971. I have seen some label Taiwan's participation a ''breakthrough'' and I have heard the ''goodwill of the mainland authorities'' praised.

Yes, we should celebrate the announcement that Taiwan will finally be permitted to participate in the WHO. But we also need to remind ourselves that participation as an ''observer'' does not give Taiwan the right to vote. In addition, Taiwan's participation is not permanent; it comes only under Beijing's sponsorship on a one-year-at-a-time basis. While we are grateful that Taiwan has been given the chance to attend the WHA meeting, I hope that Taiwan's 23 million people will one day be represented at the WHO as a full fledged participant.

We all remember that in 2003 Taiwan was struck by an outbreak of Severe Acute Respiratory Syndrome, or SARS. By the end of May 2003, 483 probable cases had been reported. A total of 60 people died. Worries over SARS subsequently hampered international travel and commerce, dealing a serious blow to Taiwan's economy. This morning, Taiwan reported its second case of H1N1 flu.

Despite these outbreaks, China continues to block Taiwan's full and equal membership in the WHO. Disease knows no borders and I believe the current threat of a worldwide epidemic demonstrates Taiwan's need for the highest level of access to the WHO as possible.

In addition, I would prefer to see Taiwan join the WHO under the name ''Taiwan,'' which, after all, is the name of the country. Taipei is merely Taiwan's capital.

When I was elected to the U.S. House of Representatives in 2002, some of my colleagues had already been campaigning for Taiwan's inclusion in the WHO for more than five years, ever since Taiwan launched its campaign to participate in the WHO in 1997.

I am concerned that that Chinese approval is becoming a prerequisite for Taiwan's participation in any international organization, and that countries will begin to view China as Taiwan's suzerain. If this view becomes the accepted international norm, Taiwan's current status as an independent, sovereign state would be undermined.

It is an outrage that China has essentially blocked Taiwan from participating in the WHO for so long. I firmly believe that the health of Taiwan's 23 million citizens should not be used as a political weapon. I therefore urge my colleagues to join me in continuing to support Taiwan's full and equal membership in the World Health Organization.

INTRODUCTION OF THE NORTH MAUI COASTAL PRESERVATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce the North Maui Coastal Preservation Act of 2009, a bill directing the National Park Service to study the suitability and feasibility of designating certain lands along the northern coast of Maui, between Spreckelsville and Paia, as a unit of the National Park System.

The citizens of Maui strongly support preservation of this coast, which provides important open space and public beach areas. Thousands of post cards in support of creating a national park or national seashore along this coast have been sent to me and to my predecessor.

This beautiful coastline is under significant development pressure. Its closeness to major population centers in Maui and its popularity with both visitors and residents makes protecting access a major concern.

Supporters of this park have asked that it be named after Congresswoman Patsy Takemoto Mink, a native of Maui who grew up in the Hamakua Poko/Paia area. While this bill, which authorizes a study, does not direct what the prospective national park would be named, I would certainly support naming it after Patsy Mink, whose commitment to the people of the island and state was without question.

I urge my colleagues to join me in supporting this bill.

MR. SCOTT HOLUPKA

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Scott Holupka, recipient of the Citizen of the Year Award from The Optimist Club of Dundalk, Inc. Scott has dedicated his time and talents to the constant improvement and revitalization of the Dundalk community.

Scott is a life-long resident of Dundalk, Maryland, and a native to the Three Garden Village in southeastern Baltimore County. He went on to attend nearby Dundalk High School. In 1983, he graduated from Johns Hopkins University with a Ph.D. in sociology. Soon after graduating, he returned to Dundalk, where he immediately began working on a project called the ''Greening of Dundalk.'' The recycling effort included in this program was the first of its kind in Baltimore County.

Since then, Scott has held positions in many community organizations including president of the Board of the Family Crisis Center, co-creator of the Southeast Neighborhood Development Coalition, member of the Baltimore Citizens Planning and Housing Association, president of the Greater Dundalk Community Council, and cofounder of the Dundalk Renaissance Corporation. These organizations are just a glimpse into the busy, community-oriented lives Scott and his wife, Amy, have led.

The Citizen of the Year award is given annually to an individual in the Dundalk community who demonstrates leadership, civic responsibility, and accomplishment. Scott not only possesses all of these qualities, but he goes above and beyond in every community activity in which he is involved. He was recently inducted into the Dundalk High School Alumni Hall of Fame, and will soon receive an award from the Maryland-Delaware-D.C. Press Association.

Madam Speaker, I ask that you join with me today to honor Mr. Scott Holupka on this memorable occasion. Scott is admired by others in the community, and deserving of the prestigious Citizen of the Year Award. His dedication to Dundalk is apparent in every aspect of his life, and the community is truly a better place because of him.

IN REMEMBRANCE OF DR. HENRY T. KING, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Dr. Henry T. King Jr., a renowned lawyer and great man of peace, and in honor of his dedication to his country, community and to international human rights. Dr. King died at home on May 9, 2009, at age 89.

Dr. Henry King was a distinguished scholar of international law, international trade, and international human rights. Shortly after graduating from Yale Law School and while practicing law in New York at Millbank, Tweed & Hope, Dr. King learned about Supreme Court Justice Robert Jackson's appointment as Chief Prosecutor of war criminals at Nuremberg. With the encouragement of his wife, he left for Nuremberg in 1946 with Justice Jackson as one of the youngest of 200 prosecutors. As one of the prosecutors working on the Nuremburg Trials, he worked on the convictions of many Nazi officials, including Walther von Brauchitisch, Erhard Milch, Hermann Goring, and Albert Speer. Dr. King was deeply affected by what he saw upon stepping off the train in Nuremberg. Surrounded by the rubble of bombed out buildings and people begging for food, he vowed at that time to dedicate his life to the prevention of war.

Following the Nuremburg Trials, Dr. King served as Chief Counsel for the Marshall Plan. Between 1961 and 1981 he was Chief International Corporate Counsel at TRW, Inc., the position which brought Dr. King to Cleveland. For the last 28 years, he taught at Case Western Reserve University School of Law in Cleveland while practicing law at Cleveland's Squire Sanders & Dempsey. Upon his arrival at Case Western Reserve, he established the Canada-U.S. Law Institute in partnership with the University of Western Ontario. The Institute holds an annual conference in Cleveland, which I have had the pleasure of participating in a number of times since my career in Congress began in 1997. This year, I had the honor of addressing the conference about the commoditization of Great Lakes water.

Throughout his illustrious career, Dr. King continued his activism in the struggle for peace through international law. He pushed for the creation of the International Criminal Court as a member of the international delegation in Rome to establish that court in 1998. After the delegation failed to include wars of aggression as war crimes, he continued to push for that with other delegates until they ultimately adopted a reference to the crime of war of aggression in the court's statute. Additionally, Dr. King served as a member of the American Bar Association's Task Force on War Crimes in the former Yugoslavia. He also believed that democracies which trade with one another tend to not go to war and advocated for international trade rules and statutes as another avenue toward peace.

Dr. King received an honorary degree of Doctor of Civil Laws by the University of Western Ontario in 2003. In 2004, the government of Canada appointed Dr. King Honorary Consul General for Cleveland and Northeast Ohio. Dr. King was truly a pioneer in promoting peace through international law and was cited in the Plain Dealer by David Crane, Syracuse University Professor and Chief Prosecutor of Sierra Leone President Charles Taylor as ''the George Washington of modern international law.''

Madam Speaker and Colleagues, please join me in honor and remembrance of one of the great men of our time, Dr. Henry T. King, Jr. He will be greatly missed by those in the peace community working on issues of international humanitarian justice under the rule of law. Despite his absence, his work will continue to inspire countless activists and lawyers around the world who follow in his footsteps.

CELEBRATING THE 100TH ANNIVERSARY OF NAACP

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the NAACP for one hundred years of promoting equal rights and fighting for the eradication of racial prejudice within the United States. The NAACP is the largest and oldest civil rights organization in the United States. It currently has more than half a million members and supporters throughout the United States and the world who serve as advocates for civil rights in their communities.

On February 12, 1909, the 100th anniversary of President Abraham Lincoln's birth, the NAACP was founded in response to race riots in Lincoln's hometown of Springfield, Illinois. From the time of its founding, the NAACP has recognized that racial justice is important for every single American. This is reinforced by the fact that the organization has always been led by a diverse group of Americans from many races and backgrounds. These leaders came to the organization because, as Dr. King so eloquently described, ''All men are caught in an inescapable network of mutuality.''

The NAACP played a pivotal role in overturning disenfranchisement, racial segregation in public schools, and discriminatory hiring practices. It fought for the passage of the Civil Rights Acts of the 1950s and 60s, the Voting Rights Act, and the Fair Housing Act. The work of the NAACP paved the way for the election of Barack Obama—another of Illinois' favorite sons—as our first African American President, one hundred years after the founding of the NAACP. The NAACP continues to work on ensuring equal access to education, health care, and jobs.

On the 100th anniversary of its founding, I would like to celebrate the NAACP and its many important accomplishments towards securing equal rights of all persons.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF CLAUDE DAVIS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to recognize Mr. Claude Davis on the occasion of his 101st birthday for his lifetime of service to his community and to his country. Throughout his life, Mr. Davis has been leader in Northwest Florida, and I am pleased to honor such an admirable American.

Born in 1908, Claude Davis enlisted in the United States Navy in 1926 at the age of 18 and served for over twenty years. Mr. Davis fought in World War II and was aboard the USS Saratoga aircraft carrier during two separate torpedo attacks by the Japanese. He also commissioned the USS Antietam in 1945. Recently, Mr. Davis visited the WWII Memorial for the first time as part of the Second Emerald Coast Honor Flight.

After his retirement from the Navy in 1946, Claude purchased a farm in Santa Rosa County, Florida and began a lifetime of service to his local community. He was the first agent for the Florida Farm Bureau Fire Insurance Company, where he remained for 25 years. Mr. Davis became president of the Farm Bureau, and helped organize the annual Santa Rosa County Farm Tour, an event conducted each year by the Santa Rosa Agricultural Committee to increase agricultural awareness in the area. As one of the original organizers of the Warrington Presbyterian Church and the Warrington Kiwanis Club, Claude's record of service to the community is outstanding and deserving of this recognition.

Madam Speaker, on behalf of the United States Congress, I would like to thank Claude Davis for his lifetime of dedication and service to others. My wife Vicki and I wish to congratulate him and his entire family on this momentous occasion.

75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. YOUNG of Alaska. Madam Speaker, I rise today in recognition of Hostelling International USA for 75 years of service to youth travel.

Hostelling International USA was founded in 1934 to improve and promote international understanding of the world and its countless cultures through hostelling. Hostelling International operates and maintains almost 70 hostel accommodations throughout the United States, with over 4,000 locations worldwide.

These inexpensive and safe facilities range from high-rise buildings with hundreds of beds to small remote hostels in rural setting found throughout Alaska.

Hostel volunteers act as ambassadors for their communities and for our nation by administering travel education programs to young and old. Alaskan hostels have welcomed and housed guests since the early 1960's, in a diverse set of locations including: Central Juneau, Ketchikan, Nome, Anchorage, Delta Junction, Fairbanks, Haines, Homer, Sitka, Tok, Willow, Girdwood, Slana and Ninilchik.

I commend Hostelling International USA for its 75 years of continued quality service.

CONGRATULATIONS TO THE MAYOR, THE COMMON COUNCIL AND THE RESIDENTS OF THE CITY OF LACKAWANNA ON THE OCCASION OF THE 100TH ANNIVERSARY OF THEIR MUNICIPAL INCORPORATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. HIGGINS. Madam Speaker, I rise today to congratulate and pay tribute to the Mayor, the Common Council and the residents of the City of Lackawanna on the occasion of the 100th anniversary of their municipal incorporation.

The fortunes of this great City are emblematic of the struggles of the entire region. Having experienced the difficulties associated with the decline of heavy industry in recent decades, Lackawanna has turned the corner and now demonstrates a new spirit of hope and optimism under the leadership of its esteemed Mayor and Council.

Due in significant part to the diligence and hard work of the Mayor and the Council, the site of the former Bethlehem Steel plant—long a symbol of post-industrial decay and disinvestment, is now a beacon of progress as it is home to the nation's largest urban wind farm. This project is a testament to the tenacity of the Mayor, the Council and the people of this great city, and has been a symbol of the resurgence of the entire region. Through this effort, Lackawanna has demonstrated that the time has come to build upon our industrial past and move toward a prosperous, green future.

On this 100th Anniversary, I would like to congratulate the great City of Lackawanna on its recent successes and to thank the leadership for shepherding innovative ideas to preserve and enhance the Great City of Lackawanna. I commend and thank Lackawanna residents for the example they have set for other communities in Western New York. As we celebrate our history, we also acknowledge that our best days are immediately in front of us, and that progress and prosperity are on the horizon. I wish the leadership in the City of Lackawanna and its people the best of luck in the future as it continues to grow and prosper.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. FLEMING. Madam Speaker, I rise today to recognize and honor a very special group from Northwest Louisiana.

On May 16, 2009 a group of 104 veterans and their guardians flew to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these Louisiana veterans to visit Washington, DC on a chartered flight, free of charge. For many, this will be the first and only opportunity to visit the memorials created in their honor. These brave men and women, from my home state of Louisiana, deserve the thanks of a grateful nation for everything they have sacrificed for our freedom.

Today I ask my colleagues to join me in honoring these great Americans and thank them for their unselfish service.

Robert M. Acosta, Edward E. Allen, William J. Archambeau, Francis W. Artley, Carl A. Barr, Clifford A. Birchfield, Joe E. Bizet, Richard E. Blake, Dudley H. Boddie, Roy Timon Buckner, Robert L. Bufkin, Jesse E. Burkheart, Adolph B. Campbell, Williard E. Charrier, James A. Clark, George Cockerham, Claude M. Corbett, Joe R. Crain, Alonza Crawford, Joe H. Curtis, Willie V. Dark, R. Debusk, Sammuel D. Doles, Thomas B. Erwin, Jack B. Evans, James E. Evans, Frank H. Falkenberry, Daniel W. Fallin, James, L. Fallin, James H. Fisher, Frank H. Ford, John C. Foster, Paul D. Gandy, Jesus Garcia, James C. Gardner, Leo J. Garner, Leon C. Green, Claude Gulley, Joseph Warren Harris, Tom N. Havard, James W. Helton, Charles M. Henley, Edward J. Heuer, John N. Holman, John L. Iles, Joe M. Ivey, Loin Jacob, James Prentice Johnson, Alvin B. Kessler, Oscar C. Laborde, Charles A. Lammons, Joseph H. LeBeau, Gus D. Levy, Clayton E. Manning, W.C. Mayfield, Mary E. McMahon, Leonard S. Micinski, Charles E. Monson, McLuther Monzingo, Donald R. Moreau, Lucien L. Oldham, Elmore C. Owens, Lester L. Pace, Frederick E. Parker, Robert A. Peiser, J.L. Pennington, Carlos B. Perez, Wallace P. Perryman, James Ferrell Reeder, James E. Rigal, Kenneth Roberts, Richard Roy, James G. Sandifer, Ira R. Schulling, Luther E. Self, Geroge E. Shanks, Whilman G. Sheets, James L. Shelton, Cecil O. Simmons, Shirley R. Simmons, Richard D. Smart, Shurman C. Smith, Robert A. Stacy, Roy E. Stickman, Fletcher Thorne-Thomsen, Maurice S. Thrasher, Carroll E. Timmons, Bobby G. Turrentine, Howard V. Walker, Clomer Walton, Ray M. Ward, William B. Wardlaw, Carl J. Waters, Billy J. Wells, Claude O. West, G.F. White, James Wilson, Allen J. Wiltz, Marcus D. Wren.

HONORING MR. HELMUTH J.H. BAERWALD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor Helmuth J.H. Baerwald who is retiring after faithfully serving the residents, businesses and elected officials of East Norriton Township, Montgomery County, Pennsylvania for 32 years.

Mr. Baerwald's distinguished career of public service to East Norriton started in May 1977 when he became the Township's Finance Officer and Assistant Manager. A little more than three years later, he was appointed Township Manager and Secretary/Treasurer.

Evidence of Mr. Baerwald's outstanding leadership during the last four decades abounds. He was instrumental in the building of a Veterans Memorial at Old Stanbridge Street and Germantown Pike. He was a driving force in establishing a sister city program between East Norriton and Treptow-Kopenick, Germany. And his prudent investment and management practices helped the Township acquire a 35-acre municipal complex, including the Township offices, storage facility and highway department garage.

Mr. Baerwald earned the respect of his peers and elected officials with his sharp administrative skills, which have been invaluable as the Township has grown. In addition to serving the Township, Mr. Baerwald selflessly gave his time to several organizations, including the Pennsylvania State Association of Township Supervisors and the Montgomery County Association of Township Officials.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding service and extraordinary career of Helmuth J. H. Baerwald and all who dedicate their careers to serving the public.

A LIFETIME OF SERVICE BY MARGE JOHANNES OF SAUK RAPIDS, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Marge Johannes of Sauk Rapids, Minnesota as she celebrates her 90th birthday. Marge is known as ''Grandma Marge'' to the students at Pleasantview Elementary School, where she volunteers as a Foster Grandparent, a role she has played for over 20 years.

As a Foster Grandma, Marge spends four hours a day helping students and assisting the teachers. She even takes time to provide childcare for the Adult Basic Education classes. When many students and teachers are taking a break from school, Grandma Marge helps with the summer school programs in the Sauk Rapids-Rice School District. She is the definition of grace, bringing a love of learning to the schools at which she volunteers and sharing a smile with all she meets. All the students know that her favorite book is the dictionary, because she likes to learn something new every day and she spreads that kind of earnest enthusiasm everywhere she goes.

It is my honor to rise to wish Grandma Marge a ''Happy Ninetieth Birthday'' today and to thank her for her lifetime of service to her community. She is a teacher to us all, demonstrating the important values of service and citizenship. But, to the children, she is so much more: She's a member of their family; their Grandma Marge.

RECOGNIZING AMERICAN RED CROSS EVERYDAY HEROES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KILDEE. Madam Speaker, I stand before you today on behalf of one of our country's most honored and respected organizations, the American Red Cross. Each year, the Genesee-Lapeer Chapter of the Red Cross acknowledges individuals who have shown tremendous courage, kindness, and selflessness through acts of goodwill and heroism. 14 individuals will be honored at the annual ''Salute to Everyday Heroes'' on Friday, May 29th in Grand Blanc, Michigan.

Everyday Heroes are selected for acts of bravery related to fire, rescue, and lifesaving, and are awarded to those who live in Genesee or Lapeer Counties, or if the rescue occurred in one of the two counties.

This year Trooper Bradley Ross and Trooper David Stokes will receive the Law Enforcement Award. Robert Elliott and Timothy Knott will be recognized with the Emergency Medical Response Award. Firefighters Jason Abbey, Dustin Lucius, Al Morea, Nick Schulz, Josh Sturgis, and Pat Whalen will be honored for their work. The Youth Good Samaritan Award will be given to Brandon Howe and the Adult Good Samaritan Award will be given to Jack and Jean Seibert. Myla Swanson will be recognized with the Workplace Good Samaritan Award. Judge Robert E. Weiss will be posthumously honored with the Community Good Samaritan Award.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the courageous, altruistic accomplishments of these 14 persons. They have generously acted without thought to their own safety to assist others in danger. They have earned the title of ''hero'' and I am grateful for their service to our community.

HONORING TYNGSBOROUGH, MASSACHUSETTS

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. TSONGAS. Madam Speaker, I rise today to celebrate the bicentennial anniversary of the town of Tyngsborough, Massachusetts. Known as the ''gateway to the White Mountains,'' Tyngsborough is a unique and diverse community, defined by innovative businesses, rich history, and hardworking families. I am proud to honor the people of Tyngsborough for their spirit of innovation and success as they celebrate this milestone.

With its distinct location along the Route 3 corridor between Boston and New Hampshire's mountains, Tyngsborough continues to draw new residents and businesses as it grows in both size and prosperity. Leading companies in the fields of software, energy, materials, and technology have chosen Tyngsborough for their headquarters.

Tyngsborough's location also makes it a popular leisure destination thanks to the 1,000-acre Lowell-Dracut-Tyngsboro State Forest, which features miles of trails for hiking, cycling, horseback riding, cross-country skiing, and snowmobiling as well as ponds and streams for fishing and water sports. This land has long held special significance to the Native Americans who first settled along the banks of the Merrimack River above the Pawtucket Falls. The preservation of the natural beauty afforded by the river and woods is an important goal of the community and one that I particularly applaud.

I am proud to honor Tyngsborough's bicentennial, and I urge my colleagues to join me in wishing the people of Tyngsborough another 200 years of innovation and success.

HONORING THE KNIGHTS OF COLUMBUS LIGHT OF CHRIST COUNCIL 8726

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Knights of Columbus, Light of Christ Council 8726, for its 25 years of outstanding charitable work and dedicated service to three parishes in western Berks County, Pennsylvania.

Since its founding in June 1984 at the St. Ignatius Loyola Parish, Council 8726 has grown to more than 200 members committed to nurturing spiritual growth and a tremendous desire to help anyone in need.

The members' selfless service has included financial backing and volunteer work in support of St. Mary's Shelter for single mothers, a Veterans Memorial monument in Whitfield, a Special Olympics basketball tournament, and weekend soup kitchens that feed hundreds who would otherwise go hungry in the Reading area.

Madam Speaker, I ask that my colleagues join me today in congratulating the Knights of Columbus, Light of Christ Council 8726, upon its 25th Anniversary and recognizing the exemplary efforts of the Council's members in serving and supporting Berks County churches, communities and charities.

NEW CHARGES BROUGHT UP AGAINST BAHA'I LEADERS IN IRAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. WOLF. Madam Speaker, May 14 marked the one-year anniversary of the imprisonment of the seven member national committee of the Iranian Baha'is. According to CNN reports, the seven Baha'i leaders may now face charges of ''spreading of corruption on Earth'' which carries the threat of the death penalty under Iran's penal code. The United States Commission on International Religious Freedom recently released their 2009 report which recommends that the State Department designate Iran a country of particular concern due to its gross violations of religious freedom. Such violations include the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship, and the violent arrest and harassment of members of the Baha'i faith. As the Administration seeks diplomatic engagement with Iran, I urge them to make human rights and religious freedom an integral part of the dialogue. Human dignity and freedom must not be made a sidebar as the Administration seeks to engage the Iranians.

HONORING STEPHEN REISTER

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. COFFMAN of Colorado. Madam Speaker, I rise today to honor America's entrepreneurs, those distinguished individuals who support our communities, drive innovation, and keep our nation strong. Small businesses bring fresh ideas to the table, develop the resources to meet the demands of an ever-changing world, and make a meaningful impact on our neighborhoods. Entrepreneurs are responsible for providing 60 to 80 percent of all new jobs, giving them the potential to propel rapid economic growth and expand ever-developing fields. Some of the country's largest companies began as start-ups in small offices, homes and garages exploring these new fields. Limited only by their imagination, these firms performed cutting-edge work in emerging industries that have become the very foundation of our society.

As our nation and the world face the most difficult economic conditions in decades, entrepreneurs have the potential to lead us back to prosperity. The resiliency and adaptability shown by small businesses in past recessions demonstrate their capability to meet the challenges standing in their way and emerge stronger than ever. America's small businesses will drive the economic recovery from this downturn and our economy will rebound. Times may be tough, but America's entrepreneurial spirit is tougher.

To recognize the monumental achievements of our nation's small firms, the Small Business Administration (SBA) has declared May 17–23 as the 46th Annual National Small Business Week. The House Small Business Committee is celebrating all our country's hard-working entrepreneurs by saluting the Heroes of Small Business, those men and women who have shown the strength, leadership, and resourcefulness that keeps our economy moving forward.

I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in recognizing and thanking Mr. Stephen Reister for his tremendous accomplishments on behalf of small businesses. Mr. Reister has been with Steel-T Heating and Air Conditioning for nearly 20 years, joining the company after it was purchased by his family in 1989. The company is one of the leading heating and air conditioning contractors in the Denver and northern Colorado area. Mr. Reister's contributions to the industry have earned him a place on the national furnace PID team for Carrier Corporation, the world's leader in heating and cooling solutions, and several awards for raising awareness and sales of more environmentally friendly products.

Mr. Reister is an active member of his community, serving as a board member of the Columbine Valley Water and Sanitation District.

He is also involved in community organizations including the Colorado Fellowship of Christian Athletes CMT Board and The Gift of Warmth Program.

Madam Speaker, Mr. Reister has exemplified the remarkable accomplishments of which America's entrepreneurs are capable. This week, he will testify before the House Small Business Committee to share his story. I ask that you and the entire U.S. House of Representatives join with me in honoring him for the extraordinary work he has done for the small business economy. His efforts demonstrate that if given the right resources, America's small businesses can be the catalysts that lift our economy from the current downturn and put us on the road to recovery.

CONGRATULATING THE SOUTH BEND ADAMS HIGH SCHOOL MOCK TRIAL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to honor the victory of the South Bend Adams High School team in the National Mock Trial Competition. The championship culminates a year of successes for the ''Usual Suspects,'' a team which won its second straight state championship. It was the perfect finish to a season full of intense training and practice. The victory caps a record of twelve state titles in the thirteen years of the mock trial program at Adams.

The exceptional members of the Adams Mock Trial team include: Josh Courtney, Jenn Deeter, Eilis Smith, Chris Silvestri, Adam Kern, Gabe Young, timekeeper David Kern, and student coaches Kieran Neal and Allie Soisson. The team was led to victory by coaches Lucas Burkett and Professor Jay Tidmarsh and faculty advisor Judith Overmyer.

Mock Trial competition involves not only knowledge of the law, but also the ability to plan both defensive and prosecutorial strategies and act the parts of lawyers and witnesses. The Adams team prepared a cunning defense and excelled at portraying believable witnesses and convincing lawyers while developing their communication, research, and organizational skills. Chris Silvestri distinguished himself among the participants by earning the ''Best Witness'' award.

The Adams Mock Trial team has achieved a memorable ending to an extraordinary year of competition. I offer my congratulations to the members of the team, the coaches, John Adams High School students, faculty and staff. I also offer my thanks and congratulations to members of the community, including local attorneys and judges, who supported the team on the road to this impressive accomplishment. The Adams Mock Trial team has represented Indiana, the City of South Bend, their school and themselves with excellence and distinction.

RECOGNIZING MAY AS HUNTINGTON'S DISEASE AWARENESS MONTH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ISSA. Madam Speaker, today I rise to recognize May as Huntington's Disease Awareness Month. In support of those with Huntington's Disease and of finding a cure, I have cosponsored H.R. 678, ''Huntington's Disease Parity Act of 2009.'' This bipartisan legislation sponsored by Rep. BOB FILNER (D–CA–41) would eliminate the 24-month waiting period for Medicare eligibility for those suffering from Huntington's Disease.

Huntington's Disease is a progressive degenerative neurological disease that causes total mental and physical deterioration in as few as 12 years and currently no cure exists. Already 20,000 Americans have been diagnosed with Huntington's and 6.5% of the population, or 200,000 individuals, are at risk for this disease.

The physical, emotional, and mental alterations a victim of Huntington's Disease undergoes are extreme to say the least. Even in the initial stages, patients are unable to continue employment and they must rely on family care and Social Security Disability Income. A similar neurological disease, Amyotrophic Lateral Sclerosis, received a waiver for the 24-month waiting period in 2000.

H.R. 678 would help to alleviate suffering that those diagnosed with Huntington's Disease must face every day. Implementing this legislation would not only help those diagnosed with Huntington's but also the families that have been financially devestated by this degenerative disease.

Madam Speaker, I urge my colleagues in Congress and the public at large to recognize this important month.

IN HONOR OF FRANKLYN KELLOG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of my friend, Franklyn Kellogg, on the occasion of his 90th Birthday and in recognition of his dedication to his community and a life lived with a great sense of humor, energetic spirit, joy for living and positive outlook.

Mr. Kellogg grew up in the Tremont neighborhood of Cleveland, Ohio. After high school, he joined the army and served as a military police officer during WWII. Following the war, he came back to Cleveland and began his lifelong vocation of protecting others, first as a firefighter and then as Fire Chief of City Cleveland. Mr. Kellogg was a leader in evolving safety training and techniques, many of which are still used today in Ohio and across the country.

Mr. Kellogg was one of the first firefighters in Cleveland to be trained as a certified paramedic. He became a top-notch instructor, training firefighters and paramedics, even travelling as far as California with requests for his training expertise. Mr. Kellogg has earned a nationally-known reputation as being one of the best arson investigators in the country, and has been consulted numerous times by fire departments in Ohio and across the country. Several of Mr. Kellogg's arson cases are still used today as models in firefighter training courses, including courses taught at Cuyahoga Community College. He continues to be an active member of his community and of the Zion United Church of Christ of Tremont, the church he has attended since childhood.

Madam Speaker and colleagues, please join me in honor and celebration of Mr. Kellogg's 90th Birthday. His kindness and commitment to community leadership and service continues to be evident in all he does. I stand in honor and gratitude of Mr. Kellogg's lifelong service to our community and I wish him the best as he and his family celebrate his 90th birthday.

COMMEMORATING THE 75TH ANNIVERSARY OF THE NORTH SEA FIRE DEPARTMENT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BISHOP of New York. Madam Speaker, residents of Long Island, New York are truly fortunate that our local firefighters are also our neighbors. Since 1934, residents of the Peconic Bay hamlet of North Sea have relied on the professionalism of the all-volunteer North Sea Fire Department, and today I proudly rise to mark the 75th anniversary of its founding.

To date, 2009 has been one of the busiest years on record for the North Sea Fire Department, as they have responded to more fire calls than any other department in Suffolk County. Each has been answered with the speed, skill and courtesy that has been the department's calling card for 75 years.

Madam Speaker, while the children of North Sea may be upset that the firefighters have not been able to lavish their customary level of attention on the department's annual Fourth of July carnival and fireworks, their parents can rest assured that their neighbors at the firehouse are devoted to keeping the community safe any hour of the day or night. I offer my thanks and best wishes as they continue their tradition of community service for many years to come.

INTRODUCTION OF THE EMPOWERING MEDICARE PATIENT CHOICES ACT ESTABLISHES A PHASED IN PROGRAM TO SUPPORT SHARED DECISION-MAKING IN MEDICARE BY EQUIPPING BENEFICIARIES WITH UNBIASED, EVIDENCED-BASED RESOURCES THAT CAN HELP THEM BE BETTER INVOLVED IN TREATMENT DECISIONS

HON. EARL BLUMENAUR

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BLUMENAURER. Madam Speaker, today I am proud to introduce the Empowering Medicare Patient Choices Act of 2009.

The onset of an illness creates intense stress and anxiety for patients and families. In addition to the weight of a diagnosis, patients struggle to learn about their illness and determine which treatments to pursue. During this time, people often feel helpless and unprepared to make such critical decisions, but it doesn't have to be that way. We have the opportunity to improve both the quality of health care and patient satisfaction by better engaging patients and families in treatment decisions.

The Empowering Medicare Patient Choices Act will create a shared decision-making process between physicians and patients within Medicare, offering incentives for doctors to provide resources such as DVD's and web-based, interactive programs. These materials provide unbiased, evidence-based information on treatment options. After reviewing the decision aids, patients and families are better prepared to have meaningful conversations with their doctors to determine the course of action right for them.

The legislation introduces shared decision-making into Medicare in three phases. Phase I is a three-year period pilot program allowing 'early adopting' providers to participate, providing data and serving as Shared Decision-Making Resource Centers. Phase II expands the pilot for a three-year period during which a larger pool of providers will be eligible to receive reimbursement for the use of certified patient decision aids. The final stage requires providers to use patient decision aids for certain conditions as a standard of practice.

Shared decision-making is a common-sense program that will improve quality of care, but more importantly, support patients and families during difficult times.

INTRODUCTION OF THE INDEPENDENCE AT HOME ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the Independence at Home Act. I would like to thank my colleague and fellow co-chair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for working with me on this important legislation.

As health care reform efforts move forward, we have a golden opportunity to provide high-quality care for our most vulnerable seniors right in their own homes at dramatically lower costs. The bi-partisan Independence at Home legislation we are reintroducing today aims to better coordinate care for Medicare beneficiaries with multiple, debilitating chronic diseases, including Alzheimer's, congestive heart failure, diabetes and other chronic conditions.

In many cases, our frail elders prefer to remain in their own homes, in the comfort of familiar surroundings, rather than enter a nursing home or hospital. Our current health care system does a poor job caring for seriously ill Americans, who often are ''lost in transition'', struggling to manage multiple illnesses as they transition between emergency room, hospital, nursing facility and home. The Independence at Home Act holds great promise for reducing hospitalizations, preventing medication errors, and lifting the spirits of those who, after a lifetime of contributions to our society, deserve the dignity and peace of mind that comes with living independently.

This legislation builds on successful house calls programs operating around the country and at the Department of Veterans Affairs by establishing a 3-year pilot program in Medicare that would enable beneficiaries with chronic, complex conditions to receive the care they need in their own homes. These patients see roughly 14 physicians and fill about 50 prescriptions each year. Due to a lack of coordination between their many doctors, these patients often receive disjointed care, conflicting information, and multiple diagnoses for the same symptoms. At the same time, Medicare beneficiaries with multiple chronic conditions account for a highly disproportionate share of Medicare spending.

The Independence at Home Act creates a three year pilot program that utilizes a patient-centered health delivery model to ensure that Medicare beneficiaries with multiple chronic conditions can remain independent, in their homes, for as long as possible. Our model is a better, more coordinated way of getting these patients the care they need by physicians who know them and are experienced in managing their unique needs.

The Independence at Home care teams tasked with coordinating the care of these patients will be comprised of qualified and experienced physicians, physician assistants, and nurse practitioners. Participating organizations will be required to produce improved health outcomes, demonstrate patient and caregiver satisfaction, and show that their methods result in savings to Medicare. In order to realize these savings, our bill holds participating providers accountable for demonstrating a minimum savings of 5 percent to Medicare. As an incentive, providers are able to keep a portion of savings they achieve beyond the initial 5 percent. Whereas our current health care system runs up costs by reimbursing for the volume of care, the Independence at Home model incentivizes the value of care.

This proposal also encourages the adoption of electronic medical records and other technologies that will result in more efficient and cost-effective care. And, to help address the existing shortage of primary care physicians, this bill develops a new, promising career path for primary care physicians who can own and operate Independence at Home organizations and receive reimbursements for house calls.

The Independence at Home Act addresses the needs of patients with multiple chronic diseases and holds providers accountable for producing savings. As such, I believe this bill to be a critical part of our efforts to reform health care because it will produce better, coordinated care and reduce costs. I look forward to working with my colleagues in the House to turn our ''sick-care'' system into a true health care system, and I look forward to working on this bill with my colleagues as efforts proceed to pass comprehensive health care reform this year.

CONGRATULATING CHRIS ECONOMAKI, THE 2009 RECIPIENT OF POCONO RACEWAY'S BILL FRANCE AWARD OF EXCELLENCE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Chris Economaki, the dean of motorsports journalists, who has dedicated himself to the promotion of a national sport that has enriched the lives of countless people for more than 60 years.

Mr. Economaki is the first journalist to receive this award, first presented in 1977, which is dedicated to the memory of William H. G. France, the founder of NASCAR. This award is presented annually to a person, organization or corporation that has made outstanding contributions to the sport of NASCAR Sprint Cup Series Racing.

Born in Brooklyn, New York, in 1920, Mr. Economaki's father was a Greek immigrant while his mother was a great niece of Robert E. Lee. He witnessed his first auto race in Atlantic City at the age of nine and was immediately hooked on the sport. He started his career at the age of 13 selling copies of National Speed Sport News newspapers. He wrote his first column at the age of 14 for the National Auto Racing News. In 1950, he became editor of the National Speed Sport News. He began a column for that publication, titled ''The Editor's Notebook,'' that he still writes more than 50 years later. He eventually became owner, publisher and editor of the National Speed Sport News. His daughter, Corinne Economaki, is the current publisher and the paper is still considered ''America's Weekly Motorsports Authority.''

His autobiography is entitled ''Let Em All Go: The Story of Auto Racing by the Man Who Was There.''

Mr. Economaki worked as a race track announcer in the 40s and 50s. He covered races at Indianapolis, Daytona, LeMans and many other locations. His motorsports coverage on radio and television became legendary.

Mr. Economaki has been the recipient of numerous major motorsports award and he was inducted into the Motorsports Hall of Fame of America in 1994. The Economaki Champion of Champions Award is named after him. A day at the Dodge Charger 500 at the Darlington Speedway race weekend is named ''Chris Economaki Day.'' The press room at the Indianapolis Motor Speedway was named the ''Economaki Press Conference Room'' in 2006. He appeared as a pit reporter in two motion picture films, ''Stroker Ace'' and ''Six Pack.''

Madam Speaker, please join me in congratulating Mr. Economaki on this notable occasion. His contributions to the motorsports industry have been economically rewarding to countless families across America and have improved the quality of life for so many. Mr. Economaki epitomizes the spirit of American entrepreneurs and his example is inspirational to the generations who will follow him.

IN RECOGNITION OF THE 100TH BIRTHDAY OF SALLY MATTHEWS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise to recognize the 100th birthday of Mrs. Sally Matthews, which will take place on May 30, 2009. Sally, a lifelong resident of Jersey City, New Jersey, is the proud mother of two sons and six grandchildren. Throughout her life, Sally has been an outstanding public servant and professional. She worked for the New Jersey State Board of Children's Guardians from 1925 to 1942. Sally was subsequently employed as a legal secretary, receiving the distinction of being the Hudson County Legal Secretaries Association's Legal Secretary of the Year in 1970. Sally has always taken the time to give back to her community, having volunteered at St. Aedan's Rectory in Jersey City and having been a charter member of St. Aedan's Golden Club, 41 years ago. As Sally and her friends gather on June 1st to celebrate her 100th birthday, I wish her, on behalf of myself and the people of the 9th Congressional District of New Jersey, the very best as she reaches this exciting milestone in her life.

IN HONOR OF THE GREEK ORTHODOX CHURCH OF THE ANNUNCIATION AND THE 2009 HELLENIC HERITAGE FESTIVAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Greek Community of Cleveland, Ohio, and the members and leaders of the Greek Orthodox Church of the Annunciation of Cleveland as join fellow community members this Memorial Day weekend to celebrate the heritage and culture of Greece at the annual Hellenic Heritage Festival.

The oldest Greek Orthodox Church in Cleveland, the Greek Orthodox Church of the Annunciation was officially incorporated on February 15, 1913. Located on the corner of West 14th Street and Fairfield Avenue in the Historic Tremont District of Cleveland, it was the only Greek Orthodox Church to exist in the Greater Cleveland area until 1937. Today, it remains an active parish with an internationally-accredited Greek School.

For more than thirty years, members of the Greater Cleveland Community have gathered on the grounds of the Greek Orthodox Church of the Annunciation to partake in the annual Hellenic Heritage Festival, a wonderful community and family event that is enjoyed and shared by Clevelanders of all ethnic backgrounds. The event reflects the values of our community: faith, family, heritage and diversity. The festival is also a time of remembrance and honor—remembering our ancestors and relatives whose struggles, tragedies and triumphs will be remembered and revered from generation to generation, and honoring the numerous and significant contributions made to our community and our nation by Americans of Greek heritage.

Madam Speaker and colleagues, please join me in honoring Greek-Americans throughout our community and throughout our nation. I also stand in recognition of the members and leaders of the Greek Orthodox Church of the Annunciation, whose individual and collective commitment to preserving and promoting the history and heritage of their beloved Greek homeland serves to enrich the diverse fabric of the Greater Cleveland Community.

HONORING SOMPOP JANTRAKA AND HIS SCHOOL DEPDC

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KENNEDY. Madam Speaker, I rise today to acknowledge the extraordinary vision and compelling work for peace of Sompop Jantraka and his school, DEPDC—the Development and Education Programme for Daughters and Communities.

Mr. Jantraka understands the necessity for caring intervention in order to save the young, innocent, poverty-stricken masses of the world. He has toiled tirelessly and fearlessly, in the face of danger, organized crime and desperation and oftentimes abandonment by parents of their offspring, to prevent child trafficking in the Mekong sub-region of Thailand's ''Golden Triangle.'' He has made this cause, above many others, one of the main purposes of his life.

DEPDC is Thailand's first pro-active center for the prevention of child trafficking. It began with modest beginnings, nineteen ''daughters'' in a small house. And because of the incessant commitment to the preservation of children's futures, DEPDC has to-date prevented over 3,000 ''daughters'' and ''sons'' from being sold and from other forms of child exploitation. DEPDC has achieved this colossal feat by helping children gain access to adequate schooling and protective, safe sheltering.

Being a man of great humility, Mr. Jantraka has not sought acknowledgement but yet stands as a giant amongst many because of the success of his passion. In September 2008, Mr. Jantraka received a Rockefeller travel grant to participate as a panelist at the ''Clinton Global Initiative'' Annual Meeting in New York City in order to provide his expertise and insight. In March 2008, the University of Michigan awarded Mr. Jantraka its ''Wallenberg Medal'' for humanitarian service. It is my hope that Mr. Jantraka's work will continue to bring light to this severe, international pandemic that is encroaching upon and threatening the human rights of children across the globe.

It has been said of Mr. Jantraka that, with few resources and many enemies, he has been a strong force in the fight against human trafficking. Sompop Jantraka is not only a living example of passion and concern manifesting into tangible humanitarian works, but he also serves an inspiration to the world, reminding us of the great fellow citizens we can be and invoking the compulsion to be the great fellow citizens we should be.

TRIBUTE TO SISTER HELEN DONOHOE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to Sister Helen Donohoe who was called into eternity on Holy Saturday night, April 11, 2009, surrounded by her beloved Sisters, the Religious of the Sacred Heart.

My family was especially blessed to have Sister Helen as our dearest friend for decades. She was gentle, intelligent, loving, wise and holy. The following was read at Sister Donohoe's Memorial Mass celebrating her life:

On November 30, 1918, two and a half months premature, Helen Dorothy Donohoe, the youngest of ten children, was born into a loving and faith-filled family to Patrick and Frances Brogan Donohoe in San Francisco, California. Her father and all her grandparents were immigrants from Ireland. One of her earliest memories was of the family gathering around a large dining room table to say the rosary, a devotion that her father began and which lasted her lifetime.

When she was only four years old, her father died of leukemia, leaving her mother a 41 year-old widow with ten vibrant children. Helen reported that all her siblings were at home until she was six years old, when her oldest brother, Hugh, later a Bishop, entered the seminary. She attended St. Agnes parochial school and Notre Dame High School. During these years two of her older sisters became Sisters of Notre Dame de Namur; two brothers entered the Jesuits; other siblings married. When Helen was seventeen, her mother would not allow her to enter the Notre Dame novitiate, and her brother would not allow her to attend a state college, so she chose the San Francisco College for Women, Lone Mountain, run by the Religious of the Sacred Heart. Helen reported being very aware of how prayerful the nuns were. After three years of college, she wanted to enter religious life, but her mother insisted that she finish college. She even recalled being torn between the Notre Dame Sisters and the Religious of the Sacred Heart. The latter won out.

In August of 1940, she arrived with three other candidates at Kenwood, Albany, New York—the novitiate of the Society of the Sacred Heart. Her eyes were so bad that she ended up working in the sacristy and the library, instead of doing needlework. On February 22, 1943, Helen pronounced First Vows in the Society and returned to the Academy in San Francisco to teach in the elementary school. In May of 1945, she was sent to bed for three months when doctors feared she had incipient tuberculosis. The life of Sister Josefa was a great help during that time. Afterwards, she was sent to recuperate in San Diego, Old

Town, where the first Religious of the Sacred Heart were forming a community and preparing to move to the newly founded San Diego College for Women, later to become the University of San Diego.

By 1946 Helen returned to Atherton, enrolled at Stanford University, and began work on an M.A. in History and later changed to Economics—a long, arduous journey. During this time she was finally professed in Rome on February 9, 1949. By 1951 she received her M.A. in Economics, and she was assigned to Lone Mountain to teach both history and economics and to be junior counselor. From that year until 1967, Helen held a variety of positions at Lone Mountain: Professor, counselor, and assistant to the Dean, until she was named Assistant to the Superior, and later Superior.

One of the young nuns, Mary Jane Tiernan, who arrived from the noviceship at El Cajon, California at that time reports: ''Dear Helen broke ranks and hugged me in welcome. I will never forget her and that warm hug in the midst of an austere scene. She was always warm and loving to me, the youngest in the community. Because of her I maintained my equilibrium in a changing world. She had a laugh, almost a talking giggle, when she thought someone or something was funny. I can still hear it. Throughout my life she was a loving presence. I do know that she was anxious, but she always had that ready Irish sense of humor despite her fears.''

By 1975 Helen became a member of the Western Province Provincial Team, serving with two provincials. In this time period she took a sabbatical, spending a year at Oxford, England, and having exciting excursions in Europe. In 1985 she was Superior at the Society's retirement facility in Atherton, followed by two years in charge of hospitality at the provincial house in St. Louis. After returning West, Helen worked in hospital chaplaincy, and eventually for nine years as Director of the Oakwood Retirement Center.

Those who knew Helen best describe her as gentle, loving, deeply loyal and full of life, open to possibilities, responsible, but light. As one friend said, ''Helen was an absolute delight; she was full of fun and stories. She evoked many good laughs.'' One of her great gifts was that of hospitality in a variety of roles. People felt loved and cared for when Helen was around. Her close friend Sister Be Mardel, said, ''Helen was physically fearful—terrified of being on the edge of a precipice, wary of heights and speed and winding mountain roads. She was, however, steadfast. One could always count on her. She was always ready to help, to support, to listen, and always ready to laugh at herself. A few years ago, Helen said to me, 'You know, I'm ready for anything,' and she added, 'I've had a big grace.' And, indeed, she did, and that deep peace and calm stayed with her right up to the end.''

In 2004 Helen moved to Oakwood, where, surrounded by her Sisters, she died peacefully on Holy Saturday night, April 11, 2009. Mary Jane Tiernan wrote, ''When I heard that Helen had gone to God, I knelt down in my house and prayed for her and to her. What joy and love she nurtured me with during the years. I know she now enjoys life to the fullest with a shy smile and a twinkle in her eyes.''

Madam Speaker, I ask that the entire House of Representatives join me in extending our sympathy to the Religious of the Sacred Heart and the Donohoe family. Heaven is enhanced with Sister Helen's presence. She left our world better for how she lived her life, for all those she educated, and for her countless acts of love.

HONORING ALBIN GRUHN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

Mr. Gruhn was born in Eureka, California, in 1915. At the age of 19 he began working for the Hammond Lumber Co. where he joined the Sawmill and Loggers Federal Union. A strike shortly afterwards resulted in the deaths of three union picketers and deeply affected him, resulting in a life-long commitment to the labor movement.

He was also blacklisted as a result of his participation in the strike but soon found employment in construction, joining the Laborers Local where his membership continued for over 60 years. At the age of 22, he became secretary of the Central Labor Council of Humboldt and Del Norte Counties and led that council for over 20 years.

In 1940 Mr. Gruhn was first elected to what is now the California Labor Federation as district vice president and became its president in 1960. He led with skill, enthusiasm, and passion until his retirement in 1996. He helped build the organization into a strong and effective advocacy group for the rights of workers, inspiring several generations of political and labor leaders along the way.

During the 1960s, Mr. Gruhn was also a founder of the Association of California Consumers, California's first consumer group, and later became a founding officer and then president emeritus of the Consumer Federation of California. He also devoted some of his considerable energies to the California Apprenticeship Council and the California Constitution Revision Commission as well as serving on various state commissions. These were appointments over the decades by five California governors and covered a variety of issues from fair housing to air pollution. One of the commissions dealt with children and youth, reflecting his deep involvement in the annual scholarship program established by the California Labor Federation.

Mr. Gruhn was always politically active as a means of supporting the causes he believed in. From campaigning for Franklin Roosevelt at the age of 17 to serving as an Adlai Stevenson delegate in 1956, he stayed engaged in the process. In 1944, he founded the Northern California AFL Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy predeceased him in 2005, and the couple are survived by a large family of eight children, 14 grandchildren, and 17 great grandchildren.

Madam Speaker, Albin Gruhn was proud to fight for working people, and all those with whom he came in contact—from family and friends to political leaders and co-workers—drew inspiration from his commitment. It is fitting in honoring him today to remember the remarks he always used to conclude his labor speeches: ''In unity there is strength. United we stand, divided we fall. An injury to one is an injury to all.''

HONORING ALBIN GRUHN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. HONDA. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was preserving and improving the welfare of working people in California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

Mr. Gruhn was born in Eureka, California, in 1915. At the age of 19 he began working for the Hammond Lumber Co. where he joined the Sawmill and Loggers Federal Union. A strike shortly afterwards resulted in the deaths of three union picketers and deeply affected him, resulting in a life-long commitment to the labor movement.

Blacklisted as a result of his participation in the strike, he soon found employment in construction, joining the Laborers Local where his membership continued for over 60 years. At the age of 22, he became secretary of the Central Labor Council of Humboldt and Del Norte Counties and led that council for over 20 years.

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Mr. Gruhn supported the causes he believed in by staying politically active. From

campaigning for Franklin Roosevelt at the age of 17 to serving as an Adlai Stevenson delegate in 1956, he stayed engaged in the process. In 1944, he founded the Northern California AFL Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy predeceased him in 2005, and the couple is survived by a large family of eight children, 14 grandchildren, and 17 great grandchildren.

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HONORING ALBIN GRUHN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

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Ms. LEE of California. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected an beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

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INTRODUCTION OF THE PROSTHETIC AND CUSTOM ORTHOTIC PARITY ACT OF 2009

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ANDREWS. Madam Speaker, I rise today with my colleagues to introduce the ''Prosthetic and Custom Orthotic Parity Act of 2009 (PCOPA).'' At a time when health care costs are rising by about 7 percent annually, the financial hardship on those in need of prosthetic and custom orthotic devices is devastating. Yet, by expanding coverage for prosthetic and custom orthotic devices so that it is on par with other types of essential care, not only will provide amputees with proper treatment, which will allow them to experience a better quality of life, but save our health care system money in the long-term. That is, prosthetic and orthotic devices often dramatically decrease secondary health problems for those in need of such a device.

The Prosthetic and Custom Orthotic Parity Act would address the significant health insurance inequity that amputees in our society currently face by requiring insurance companies that offer prosthetic and custom orthotic services to provide the same level of coverage as they do for medical and surgical services. Specifically PCOPA would provide coverage of prosthetic and custom orthotic devices, as well as their repair and replacement, under the same terms and conditions applicable to the other medical and surgical benefits provided under the health insurance policy.

Currently, eleven states have addressed this problem and have enacted prosthetic and/or custom orthotic ''parity'' legislation. Furthermore, prosthetic and/or custom orthotic parity legislation has been introduced and is being actively considered in thirty other states.

I ask my colleagues to join me in supporting this important piece of legislation that will help put an end to the inequity many Americans who have lost a limb by way of a tragic event as well as those living with cerebral palsy and alike, experience when denied coverage by their insurance company.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. CARNEY. Madam Speaker, on Monday, May 18, I was absent for three rollcall votes. If I had been here, I would have voted: ''yea'' on rollcall vote 267; ''yea'' on rollcall vote 268; and ''yea'' on rollcall vote 269.

INTRODUCTION OF COERCION IS NOT HEALTH CARE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PAUL. Madam Speaker, today I am introducing the Coercion is Not Health Care Act. This legislation forbids the Federal Government from forcing any American to purchase health insurance, and from conditioning participation in any Federal program, or receipt of any Federal benefit, on the purchase of health insurance.

While often marketed as a ''moderate'' compromise between nationalized health care and a free market solution, forcing every American to purchase a government-approved health insurance plan is a back door approach to creating a government-controlled health care system.

If Congress requires individuals to purchase insurance, Congress must define what insurance policies satisfy the government mandate. Thus, Congress will decide what is and is not covered in the mandatory insurance policy. Does anyone seriously doubt that what conditions and treatments are covered will be determined by who has the most effective lobby. Or that Congress will be incapable of writing a mandatory insurance policy that will fit the unique needs of every individual in the United States?

The experience of States that allow their legislatures to mandate what benefits health insurance plans must cover has shown that politicizing health insurance inevitably makes health insurance more expensive. As the cost of government-mandated health insurance rises, Congress will likely create yet another fiscally unsustainable entitlement program to help cover the cost of insurance.

When the cost of government-mandated insurance proves to be an unsustainable burden on individuals and small employers, and the government, Congress will likely impose price controls on medical treatments, and even go so far as to limit what procedures and treatments will be reimbursed by the mandatory insurance. The result will be an increasing number of providers turning to ''cash only'' practices, thus making it difficult for those relying on the government-mandated insurance to find health care. Anyone who doubts that result should consider the increasing number of physicians who are withdrawing from the Medicare program because of the low reimbursement and constant bureaucratic harassment

from the Centers for Medicare and Medicaid Services.

Madam Speaker, the key to effective health care reform lies not in increasing government control, but in increasing the American people's ability to make their own health care decisions. Thus, instead of forcing Americans to purchase government-approved health insurance, Congress should put the American people back in charge of health care by expanding health care tax credits and deductions, as well as increasing access to Health Savings Accounts. Therefore, I have introduced legislation, the Comprehensive Health Care Reform Act (H.R. 1495), which provides a series of health care tax credits and deductions designed to empower patients. I urge my colleagues to reject the big government-knows-best approach to health care by cosponsoring my Coercion is Not Health Care Act and Comprehensive Health Care Reform Act.

INTRODUCTION OF THE VACCINE SAFETY AND PUBLIC CONFIDENCE ASSURANCE ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing important legislation with my colleague Mr. SMITH that I hope will go a long way to restoring public confidence in governmental vaccine-safety monitoring agencies. Public confidence in vaccine-safety is critical to maintaining the effectiveness of our Nation's vaccine program in preventing the spread of infectious disease. However, this confidence has been shaken by the actual or perceived conflicts of interest that may arise in the current system by which federal government agencies compete for funds or promote high immunization rates while concurrently promoting vaccine-safety. In addition to possible conflicts of interest, the public has serious concerns with the safety of vaccines or multiple vaccine schedules that may result in vaccine-related injuries. This legislation aims to build and maintain public confidence by putting measures in place to ensure the integrity and quality of vaccine-safety research. It is absolutely necessary that the American public have total and complete trust in the safety of our Nation's vaccine program, which is why I introduce this legislation today.

GRATITUDE FOR THE SERVICE OF MARIO V. DISPENZA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. CONYERS. Madam Speaker, Judiciary Crime Subcommittee Chairman BOBBY SCOTT and I would like to take this opportunity to thank one of the most productive and dedicated members of the Judiciary Committee staff, Mario Dispenza. For the past two years, Mario has served as a counsel for the Committee, working principally with the Crime, Terrorism, and Homeland Security Subcommittee.

Mario came to the Judiciary Committee on a detail from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), where he has worked for 20 years. After graduating with honors from Kean University, he began his distinguished career with the ATF as a special agent in Cleveland, quickly moving up through the ranks to become a Program Manager in the Office of Professional Responsibility and Security Operations. While working for the ATF, Mario studied in the International Human Rights Programme at the New College of Oxford University, and earned his law degree with honors from The George Washington University Law School.

Mario's tenure with the Committee included work on legislation of critical importance to our nation's criminal justice system. He ushered several important measures through the Committee and the full House, including during the 110th Congress: H.R. 923, the ''Emmet Till Unsolved Civil Rights Crime Act,''; H.R. 1199, the ''Drug Endangered Children Act of 2007''; H.R. 1759, the ''Managing Arson Through Criminal History (MATCH) Act of 2007''; H.R. 1943, the ''Stop AIDS in Prison Act of 2007''; H.R. 2286, the ''Bail Bond Fairness Act of 2007''; H.R. 2878, the ''Enhanced Financial Recovery and Equitable Treatment Act of 2007''; H.R. 3480, the ''Let Our Veterans Rest in Peace Act of 2007''; H.R. 3456/S. 231 to Reauthorize the Edward Byrne Memorial Justice Assistant Grant Program at Fiscal Year 2006 Levels through 2012; H.R. 3971, the ''Deaths in Custody Reporting Act of 2008''; H.R. 4056/S. 2565, the ''Federal Law Enforcement Congressional Badge of Bravery Act of 2007''; H.R. 4238, the ''Literacy, Education and Rehabilitation Act of 2007''; H.R. 4300, the ''Juvenile Justice Accountability and Improvement Act of 2007''; H.R. 5057, the ''Debbie Smith Reauthorization Act of 2008''; H.R. 5938, the ''Former Vice President Protection Act of 2008''; H.R. 6083, To authorize funding to conduct a national training program for State and local prosecutors; H.R. 6295/S. 3598, the ''Drug Trafficking Vessel Interdiction Act of 2008''; H.R. 6838, the ''Campus Safety Act of 2008''; H.R. 4110/S. 973, the ''Restitution for Victims of Crime Act of 2007'' and H.R. 845, the ''Criminal Restitution Improvement Act.'' During the 111th Congress, Mario has been integral to the progress of: H.R. 738, the ''Death in Custody Reporting Act of 2008''; H.R. 748, the ''Center to Advance, Monitor, and Preserve University Security (CAMPUS) Safety Act of 2009''; H.R. 503, the ''Prevention of Equine Cruelty Act of 2009''; H.R. 1741, the ''Witness Security and Protection Grant Program Act of 2009''; H.R. 1667, the ''War Profiteering Prevention Act of 2009''; and the Department of Justice reauthorization appropriations.

We would like to thank the ATF for their generosity in lending such an able, responsible, and genial member of their team to the Congress. Mario will be missed, for he has become a trusted colleague, mentor, and friend to many members of the staff and Committee. We wish him the best of luck and extend our deepest gratitude for his service and professionalism.

HONORING ALBIN GRUHN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. STARK. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

Mr. Gruhn was born in Eureka, California, in 1915. At the age of 19 he began working for the Hammond Lumber Co. where he joined the Sawmill and Loggers Federal Union. A strike shortly afterwards resulted in the deaths of three union picketers and deeply affected him, resulting in a life-long commitment to the labor movement.

He was also blacklisted as a result of his participation in the strike but soon found employment in construction, joining the Laborers Local where his membership continued for over 60 years. At the age of 22, he became secretary of the Central Labor Council of Humboldt and Del Norte Counties and led that council for over 20 years.

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Mr. Gruhn was always politically active as a means of supporting the causes he believed in. From campaigning for Franklin Roosevelt at the age of 17 to serving as an Adlai Stevenson delegate in 1956, he stayed engaged in the process. In 1944, he founded the Northern California AFL Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy predeceased him in 2005, and the couple are survived by a large family of eight children, 14 grandchildren, and 17 great grandchildren.

Madam Speaker, Albin Gruhn was proud to fight for working people, and all those with whom he came in contact—from family and friends to political leaders and co-workers—drew inspiration from his commitment. It is fitting in honoring him today to remember the remarks he always used to conclude his labor

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HONORING ALBIN GRUHN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

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HONORING ALBIN GRUHN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

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TRIBUTE TO CONGREGATION B'NAI ISRAEL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to commend Congregation B'nai Israel in Millburn, New Jersey on its groundbreaking ceremony on Sunday, April 26, 2009. Congregation B'nai Israel, under the leadership of Rabbi Steven Bayar decided to commit to an over six million dollar renovation project in spite of the tenuous economy and worrisome financial markets.

Congregation B'nai Israel is blessed to have financial commitments of $5.2 million from its members for this important project. The most significant part of the renovation will be a new, two story building for B'nai Israel's nursery and religious school. Fortunately, the decision to go ahead with the renovation will guarantee jobs for local construction crews and a revenue stream for suppliers of building materials.

It is a pleasure for me to celebrate with the members of Congregation B'nai Israel, Rabbi Bayar, Mayor Sandra Haimoff and others as they take this leap of faith in moving forward with the project. This initiative will serve as a model to other entities that may be contemplating similar projects but have been reluctant to proceed in today's challenging economic times. It is this kind of dedication and steadfastness that will help propel our Nation forward and bring us back to a sense of prosperity and hopefulness.

Madam Speaker, I know my colleagues agree that Congregation B'nai Israel has made the right decision in continuing with its renovation project and demonstrating its faith to the community it serves. I am pleased to recognize Congregation B'nai Israel and proud to have it in my Congressional District.

RECOGNITION FOR HISTORICAL SOLDIERS' RELOCATION PROJECT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to reaffirm a sacred principle that has guided and inspired our Armed Forces for more than two centuries. That principle—

"leave no man behind"—was given new meaning in Southeastern Arizona on May 15 and 16, 2009.

On those dates, 58 American soldiers who died while serving their country were reburied in an emotional ceremony. The flag-draped caskets holding the remains of these soldiers were carefully transported from Tucson to their final resting place at the veterans cemetery in Sierra Vista.

What made this ceremony so poignant was not the journey from one Arizona city to another. This reburial also was a journey through time. These men who once wore the military uniform of our country died between the 1860s and 1880s. Their remains, as well as the remains of four civilians, were unearthed during an excavation project in downtown Tucson.

My hometown has undergone many changes since the late 19th century. Then, Arizona was decades away from becoming a state and our military was nothing like the global fighting force it is today. Yet then and now we adhere to the principle that no soldier who died for his country should be left behind. This principle—like the Constitution these soldiers fought to defend—transcends eras and endures through the ages.

The reaffirmation of this principle would not have been possible without the men and women of the Historical Soldiers' Relocation Project who dedicated their time and energy to make sure our soldiers were given an honorable and dignified burial. These patriotic citizens worked tirelessly to organize a ceremony that would reflect the significance of the occasion. No detail was overlooked, from the Victorian style cemetery to the marble headstones made for each of the deceased. The flag covering each casket was the thirty-five star flag—the flag under which these soldiers once served.

The remains of the soldiers were given every honor we should give all who have served our nation in the Armed Forces. The soldiers were placed among the other honored dead of our military after being escorted by more than 200 veterans on motorcycles from Tucson to their new resting place at the Southern Arizona Veterans Memorial Cemetery. I was honored to be a part of this escort.

All of this would not have been possible without the commitment of the members of the Historical Soldiers' Relocation Project. They are: Joey Strickland, Joe Larson, Bob Strain, Larry McKim, Ingrid Ballie, Tom Dingwall, Earl Devine, Col. Bob White, Dr. Randy Groth, Dan Ferguson, Donald Nelson, Paul Weishaupt, Angela Moncur, Bill Hess, Ty Holland, Mike Rutherford, John Clabourne, Lynn Roehsler, Dave Schultz, Jan Groth, Joe Smith, Phil Vega, Stephen Siemsen, Clarence "Shorty" Larson, Timothy J. Quinn, Jim Bellomy, Jacob Loveron, Jeremiah Sprat, Logan Daynes, 1st Sgt. Matthew A. Putnam, LCDR Shannon Willits, SSGT Timothy Diggs, David Schreiner, John Prokop, Roger Anyon, Marlessa Gray M.A. RPA, Dorothy Ohman, Jim De Castro.

I commend them for their work on this important project and for ensuring we rightfully honor all those who have put on the uniform to serve our country.

IN HONOR OF ALBIN GRUHN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. MATSUI. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

Mr. Gruhn was born in Eureka, California, in 1915. At the age of 19 he began working for the Hammond Lumber Co., where he joined the Sawmill and Loggers Federal Union. Shortly after, a strike resulted in the deaths of three union picketers and deeply affected him, resulting in a lifelong commitment to the labor movement.

Mr. Gruhn was also blacklisted as a result of his participation in the strike but soon found employment in construction, joining the Laborers Local, where his membership continued for over 60 years. At the age of 22, he became secretary of the Central Labor Council of Humboldt and Del Norte Counties and led that council for over 20 years.

In 1940, Mr. Gruhn was first elected to what is now the California Labor Federation as district vice president and became its president in 1960. He led with skill, enthusiasm, and passion until his retirement in 1996. He helped build the organization into a strong and effective advocacy group for the rights of workers, inspiring several generations of political and labor leaders along the way.

During the 1960s, Mr. Gruhn was also a founder of the Association of California Consumers, California's first consumer group, and later became a founding officer and then president emeritus of the Consumer Federation of California. He also devoted some of his considerable energies to the California Apprenticeship Council and the California Constitution Revision Commission, and various other state commissions. These were appointments over the decades by five California governors and covered a variety of issues from fair housing to air pollution. One of the commissions dealt with children and youth, reflecting his deep involvement in the annual scholarship program established by the California Labor Federation.

Mr. Gruhn was always politically active as a means of supporting the causes he believed in. From campaigning for Franklin Roosevelt at the age of 17 to serving as an Adlai Stevenson delegate in 1956, he stayed engaged in the process. In 1944, he founded the Northern California AFL Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy predeceased him in 2005, and the couple is survived by a large family of eight children, 14 grandchildren, and 17 great-grandchildren.

Madam Speaker, Albin Gruhn was proud to fight for working people, and all those with whom he came in contact—from family and friends to political leaders and co-workers—drew inspiration from his commitment. It is fitting in honoring him today to remember the remarks he always used to conclude his labor speeches: "In unity there is strength. United we stand, divided we fall. An injury to one is an injury to all."

INTRODUCING THE PROTECT PATIENTS' AND PHYSICIANS' PRIVACY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Protect Patients' and Physicians' Privacy Act. This legislation protects medical privacy, as well as quality health care, by allowing patients and physicians to opt out of any federally mandated, created, or funded electronic medical records system. The bill also repeals the sections of Federal law establishing a "unique health identifier" and requires patient consent before any electronic medical records can be released to a third party.

Congress has refused to fund the development of a unique health identifier every year since 1998. Clearly, the majority of my colleagues recognize the threat this scheme poses to medical privacy. It is past time for Congress to repeal the section of law authorizing the Federal unique health identifier.

Among the numerous provisions jammed into the stimulus bill, which was rushed through Congress earlier this year, was funding for electronic medical records. Medicare providers have until 2015 to "voluntarily" adopt the system of electronic medical records, or face financial penalties.

One of the major flaws with the federally mandated electronic record system is that it does not provide adequate privacy protection. Electronic medical records that are part of the federal system will only receive the protection granted by the Federal "medical privacy rule." This misnamed rule actually protects the ability of government officials and state-favored special interests to view private medical records without patient consent.

Even if the law did not authorize violations of medical privacy, patients would still have good reason to be concerned about the government's ability to protect their medical records. After all, we are all familiar with cases where third parties obtained access to electronic veteran, tax, and other records because of errors made by federal bureaucrats. My colleagues should also consider the abuse of IRS records by administrations of both parties and ask themselves what would happen if unscrupulous politicians gain the power to access their political enemies' electronic medical records.

As an OB/GYN with over 30 years of experience in private practice, I understand that one of the foundations of quality health care is the patient's confidence that all information the patient shares with his or her health care provider will remain confidential. Forcing physicians to place their patients' medical records in a system without adequate privacy protection undermines that confidence, and thus undermines effective medical treatment.

A physician opt out is also necessary in order to allow physicians to escape from the inefficiencies and other problems that are sure to occur in the implementation and management of the Federal system. Contrary to the

claims of the mandatory system's proponents, it is highly unlikely an efficient system of mandatory electronic health records can be established by the Government.

Many health technology experts have warned of the problems that will accompany the system of mandatory electronic medical records. For example, David Kibbe, a top technology adviser to the American Academy of Family Physicians, warned President Obama in an open letter late last year that existing medical software is often poorly designed and does a poor job of exchanging information. Allowing physicians to opt out provides a safety device to ensure that physicians can avoid the problems that will inevitably accompany the government-mandated system.

Madam Speaker, allowing patients and providers to opt out of the electronic medical records system will in no way harm the practice of medicine or the development of an efficient system of keeping medical records. Instead, it will enhance these worthy goals by ensuring patients and physicians can escape the inefficient, one-size-fits-all government-mandated system. By creating a market for alternatives to the government system, the opout ensures that private businesses can work to develop systems that meet the demands for an efficient system of electronic records that protects patients' privacy. I urge my colleagues to stand up for privacy and quality health care by cosponsoring the Protect Patients' and Physicians' Privacy Act.

INTRODUCTION OF THE KA'U COAST PRESERVATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce the Ka'u Coast Preservation Act, a bill directing the National Park Service to assess the feasibility of designating coastal lands on the Ka'u Coast of the island of Hawaii between Kapao'o Point and Kahuku Point as a unit of the National Park System.

Late last year, the National Park Service issued a reconnaissance report that made a preliminary assessment of whether the Ka'u Coast would meet the National Park Service's demanding criteria as a resource of national significance.

The reconnaissance survey concluded that ''based upon the significance of the resources in the study area, and the current integrity and intact condition of these resources, a preliminary finding of national significance and suitability can be concluded.'' The report goes on to recommend that Congress proceed with a full resource study of the area.

Although under significant development pressure, the coastline of Ka'u is still largely unspoiled. The study area contains significant natural, geological, and archeological features. The northern part of the study area is adjacent to Hawaii Volcanoes National Park and contains a number of noteworthy geological features, including an ancient lava tube known as the Great Crack, which the National Park Service has expressed interest in acquiring in the past.

The study area includes both black and green sand beaches as well as a significant number of endangered and threatened species, most notably the endangered hawksbill turtle (at least half of the Hawaiian population of this rare sea turtle nests within the study area), the threatened green sea turtle, the highly endangered Hawaiian monk seal, the endangered Hawaiian hawk, native bees, the endangered and very rare Hawaiian orange-black damselfly (the largest population in the state), and a number of native endemic birds. Humpback whales and spinner dolphins also frequent the area. The Ka'u Coast also boasts some of the best remaining examples of native coastal vegetation in Hawaii.

The archeological resources related to ancient Hawaiian settlements within the study area are also very impressive. These include dwelling complexes, heiau (religious shrines), walls, fishing and canoe houses or sheds, burial sites, petroglyphs, water and salt collection sites, caves, and trails. The Ala Kahakai National Historic Trail runs through the study area.

The Ka'u Coast is a truly remarkable area: its combination of natural, archeological, cultural, and recreational resources, as well as its spectacular viewscapes, are an important part of Hawaii's and our nation's natural and cultural heritage. I believe a full feasibility study, which was recommended in the reconnaissance survey, will confirm that the area meets the National Park Services high standards as an area of national significance.

I urge my colleagues to join me in supporting this bill.

RECOGNIZING JUDITH BISHOP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I rise today to recognize Judith Bishop, who is retiring as Executive Director of the Fort Worth & Tarrant County YWCA at the end of May, 2009.

The YWCA of Fort Worth & Tarrant County offers programs at three different facilities in the Dallas/Fort Worth area. The programs provide various services and promote increased financial growth, leadership, education and training opportunities for women. These facilities also provide safe housing, child care, crisis intervention, and social services transitionally homeless women.

Ms. Bishop has served as the Executive Director of the Fort Worth & Tarrant County YWCA for twenty years. During her time as Executive Director, Ms. Bishop has shown continued dedication to providing community service and helping those in need. Judith has been persistent in her mission to ensure that all children, regardless of circumstance, have the same opportunity to be successful in life.

Madam Speaker, it is with great appreciation that I rise today to honor the accomplishments of Judith Bishop. I salute Ms. Bishop for all of her hard work and altruism. I am confident that her contributions to the YWCA will touch lives for years to come. It is an honor to represent Judith Bishop and the YWCA of Fort Worth and Tarrant County in the 26th Congressional District of the U.S. House of Representatives.

INTRODUCTION OF THE MERCURY-FREE VACCINES ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing an important piece of legislation with my colleagues Mr. SMITH, Mr. KENNEDY, Mr. BURTON, and Mr. ACKERMAN that will protect infants and young children from mercury, a known neurotoxin, in vaccines. This legislation builds on the policy recommendations issued in July 1999 by the Public Health Service, the American Academy of Pediatrics, and the American Academy of Family Physicians. That policy proclaimed ''[The] Public Health Service, the American Academy of Pediatrics, and vaccine manufacturers agree that thimerosal-containing vaccines should be removed as soon as possible.'' Mercury is well established as a neurotoxin and is particularly harmful to the developing central nervous system. Given that mercury remains in some childhood vaccines and that some infants are likely to receive mercury-containing flu vaccine in the upcoming flu season this bill puts in statute definite timelines for the elimination of mercury from vaccines to eliminate this exposure in children and reduce this exposure in adults. It is incumbent upon us to ensure the immunizations we provide our children are free from harmful neurotoxins, which is why I proudly introduce this legislation.

HONORING RICHARD C. PROTO

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today in honor of Richard C. Proto, former Director of Research for the United States National Security Agency. A great civil servant to our nation, Mr. Proto was born and raised in Connecticut, and he attended New Haven public schools growing up. He played with the Wilbur Cross 1958 New England High School basketball champions and received his bachelor's degree in mathematics from Fairfield University in Fairfield, Connecticut. Mr. Proto went on to receive his Master's degree in mathematics from Boston College in 1964 and joined the NSA following graduation, where he remained for 35 years. During his time with the NSA, Mr. Proto received the Presidential Rank Award for Distinguished Service and the National Intelligence Distinguished Service Medal. After his retirement in 1999, he remained an advisor to the intelligence community, the national laboratories, and the Institute for Defense Analysis at Princeton, until his death in July of 2008.

In a formal ceremony on May 18, 2009, the United States NSA dedicated its Symposium Center to Richard C. Proto, in honor and recognition of his dedicated service to the agency. During the ceremony, Mr. Proto was praised by his former colleagues and recognized for his creation of the still-relied upon ''Proto Algorithm.'' Mr. Proto's family was present and participated in the ceremony. Family members included his brother, Neil

Proto, sister, Diana Proto Avino, and four of Mr. Proto's cousins.

His parents, Matthew and Celeste Proto, were active in Connecticut's civic and political life. Celeste immigrated to the United States in 1916 from Italy. Mr. Proto's pride for his Italian heritage led him to also found the Antonio Gatto Lodge of the Sons of Italy in Laurel, Maryland.

I am honored to join with others in praise for this remarkably-gifted and dedicated public servant from Connecticut. Mr. Proto's strategic and practical aid to the protection of our nation and our country's troops—from the Cold War to the Gulf War—is deserving of recognition and admiration. I ask my colleagues to join with me in honoring the life of this great man.

2009 TOP COPS—SERGEANT PAUL E. JOHNSON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. REICHERT. Madam Speaker, I rise today recognizing the outstanding law enforcement officers across our country who received a 2009 TOP COPS award from the National Association of Police Organizations, NAPO. Today, especially, I want to highlight the work of a Sergeant in my home state of Washington and thank him for his exemplary public service.

Sergeant Paul E. Johnson of the Olympia Police Department was recognized as an Honorable Mention TOP COPS award recipient. Johnson, a Sergeant in the Patrol Unit, is a 29-year veteran of the Olympia Police Department and has served in various capacities, including several stints as a detective, as well as serving as Sergeant in the Narcotics Task Force and Detective Bureau. Johnson is known department- and city-wide for his attention to detail, his professionalism working with residents and staff, and the pride with which he wears his uniform: all hallmarks of policing ''the Olympia way'', a policy guided by professional enforcement, prevention, planning and coordination. Johnson's son, Corey, is also an officer with the Olympia Police Department and I wish him the very best throughout his career in law enforcement.

As a 33-year veteran of law enforcement and the co-chair of the Congressional Law Enforcement Caucus, this is a topic close to my heart and it is a pleasure to recognize a wonderful public servant such as Sergeant Paul E. Johnson—and the rest of the recipients around the country—for being honored by NAPO with a TOP COPS award. As this House and law enforcement officers continue to serve the people of the United States, I know this House will continue to serve and support our law enforcement officers.

A TRIBUTE IN RECOGNITION OF THE 100TH ANNIVERSARY OF JAPAN AMERICA SOCIETY OF SOUTHERN CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Japan America Society of Southern California, a non-profit charitable and educational organization dedicated to fostering friendship, understanding and relationship building opportunities for the people of Japan and the United States, on the occasion of its 100th Anniversary.

Sixteen American and Japanese volunteer leaders in Los Angeles founded the Japan America Society of Southern California in 1909. These visionaries understood the long-term role that such a unique organization could play in their diverse community and were committed to its establishment during a period of increasing anti-Asian sentiment. The fledgling society soon grew to as many as 800 members by the time of the opening in Los Angeles of the first Consulate General of Japan in 1915.

Since those early, formative years, the Japan America Society has undertaken the primary responsibility for forging relationships between Americans and the Japanese in Southern California. Its mission is to promote mutual understanding and to strengthen economic, cultural, governmental and personal relationships between Americans and the Japanese.

The Japan America Society offers unique opportunities to become involved in the business and cultural relationship between the two countries. Its active calendar of events includes breakfast and luncheon programs, business networking mixers, weekend family events, and programs highlighting art, music, fashion, film, performing arts and other special activities. Annual events include the Anniversary Gala Dinner, Golf Classic & Tennis Open, Family Fishing Trip and Family Whale Watch Cruise, Japan America Kite Festival® and United States-Japan Green Conference.

Throughout the year of its Centennial, the Japan America Society is celebrating its history by presenting an extraordinary series of programs focusing on the United States-Japan relationship. It will showcase Japan-related programming through collaborations with numerous Japanese-American and Japanese organizations, and other cultural and educational organizations throughout Southern California and Japan.

The Japan America Society's Centennial Dinner & Gala Celebration, scheduled for June 15, 2009, at The Globe Theatre, Universal Studios Hollywood, will commemorate the important role of the United States-Japan relationship, past, present and future.

The future agenda of the Japan America Society includes the establishment of a Japan America Language Center that will offer comprehensive introductory, advanced and business Japanese-language courses for Los Angeles residents. These language courses will be designed to build and improve upon the language skills of non-native Japanese speakers so they can more fully appreciate Japanese history and culture and open doors to lasting personal and professional relationships. Other specialized courses and workshops will be offered, including shodō (Japanese calligraphy). In addition, the Center will cater to native Japanese speakers living in Los Angeles by providing English conversation (ESL) classes and a Japanese Language Teacher Training Program.

The society also plans to expand the elementary school Hitachi Japanese Kite Workshops that take place throughout Southern California, including Los Angeles, every fall. The workshops are ''hands-on,'' in-classroom special events that help to teach our very young children the concept of different perspectives. They also provide a positive introduction to Japan and Japanese culture through the building of a traditional Japanese kite. Led by Japanese kite masters from Japan, elementary students learn how to build and fly a Japanese bamboo and washi (rice paper) kite. To date, nearly 4,000 students have benefited from this program.

Madam Speaker, on the occasion of the Japan America Society of Southern California's 100th Anniversary, I join today with fellow leaders from throughout the state in recognizing Board Chairman Robert Brasch, Co-Vice Chairs Kappei Morishita and Nancy Woo Hiromoto, President Douglas Erber, the Board of Directors, the Board of Governors and the organization's employees and members for their outstanding work to promote mutual understanding and friendship between Japan and the United States. I extend my thanks on behalf of the residents of the 34th Congressional District for their passion to provide educational opportunities for school children and their determination to strengthen economic, cultural, governmental and personal relationships between Americans and Japanese, and I wish them many years of continued success.

EDWIN WAY TEALE HISTORICAL MARKER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to recognize the Indiana Historic Bureau's unveiling of one of their 500 historical markers to honor the late Pulitzer Prize author, photographer, naturalist, and former Porter County, Indiana, resident, Edwin Way Teale (1899–1980). The historical marker is located at the center of Furnessville, Indiana, where Edwin Way Teale and his family once lived. Furnessville, a community with undefined borders, lies between Pine and Westchester townships, at the north end of Porter County. An unveiling ceremony of the historical marker will take place on Saturday, May 30, 2009, in the center of Furnessville near Musette Lewry, estate of the late American Naturalist, Edwin Way Teale.

Edwin Way Teale put Furnessville on the map with his autobiographical book Dune Boy: The Early Years of a Naturalist. The book was an account of the time he spent as a child on the farm owned by his grandparents, Edwin and Jemina Way, discovering the dunes of Northwest Indiana. In 1915, his grandparents' farm burned down. Next, The Maples, in the center of Furnessville, became home to his

grandparents, and many years later, was the home of Teale's wife, Nellie, and their son, David. Eventually, Musette Lewry was built on this foundation. Trent D. Pendley, who purchased Teale's home in Furnessville, applied for the State Historical Marker, which was approved in October 2007 by the Indiana State Library after undergoing significant study. There are only about 500 of these larger markers throughout the State of Indiana. The criteria for the State Historical Marker is based on the national significance of the site or honoree.

Edwin Way Teale was born on June 2, 1899, in Joliet, Illinois. As a child, his fondest memories were the summer months he spent on the Furnessville farm owned by his grandparents. It was this time spent in Indiana, as a child, that became the backdrop for Teale to discover his love, respect, and wonder of nature. His grandparents gave him the freedom to explore the surrounding landscape, which became the most significant influence on his future career as a writer and naturalist. Teale went on to study English Literature and received a Bachelor of the Arts degree from Earlham College in Richmond, Indiana. During this time, he met his wife, Nellie Donovan, and they were married in 1923. Teale then began his writing career after graduating with a Master of the Arts degree from Columbia University in 1926. Edwin and Nellie had one son, David, who died in battle during World War II. In honor of their son, Edwin and Nellie collaborated on a four-book series detailing natural seasonal changes across the United States. In 1965, Teale won the Pulitzer Prize for Wandering Through Winter, a book that was part of this series, which is an account of the four winter months he and his wife spent traveling through the United States. He also won the John Burroughs Award for nature writing, and went on to publish thirty books in his lifetime. Edwin Way Teale passed away on October 18, 1980.

Madam Speaker, I ask you and my other distinguished colleagues to join me in commending the Indiana Historic Bureau's unveiling of the State Historical Marker to honor one of Northwest Indiana's finest citizens, Edwin Way Teale. For his notable, and highly respectable literary and environmental influence both nationally and in Northwest Indiana, he is worthy of the highest praise. I respectfully ask you and my other distinguished colleagues join me in honoring Edwin Way Teale and acknowledging the Indiana State Historical Marker in his name as a tremendous source of pride for Northwest Indiana.

COMMENDING GUAM ANIMALS IN NEED (GAIN)

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. BORDALLO. Madam Speaker, I rise today to commend the Guam Animals in Need, GAIN, organization for their service to our community and for their leadership in a recent effort to rescue greyhounds. After a greyhound race track closed on Guam, GAIN led efforts to rescue the greyhounds by finding caring owners on island to adopt the abandoned dogs, and by helping to transport the majority of the greyhounds to shelters in the mainland.

Chartered in 1989, GAIN is a non-profit organization dedicated to preventing cruelty toward animals and to providing shelter for animals in need. GAIN's efforts have also included educating our community on animal welfare. In 2001, GAIN expanded its services by assuming management and operation of our island's animal shelter.

GAIN has led numerous initiatives over the years to improve animal welfare on Guam. It has been instrumental in taking stray animals off the streets and reducing the number of stray animals through the annual Spay Neuter Assistance Program, operated by visiting and local veterinarians and volunteers. This program has resulted in the sterilization of over 3,500 dogs and cats. GAIN also successfully partnered with local businesses and community organizations to provide support through the Adopt a Kennel project. These businesses and organizations are recognized with a sign placed on their sponsored kennel. Furthermore, GAIN has facilitated the adoption of thousands of animals by caring pet owners through their Shelter Adoption Program.

GAIN recently received national attention resulting from their efforts to help over two hundred greyhounds that needed homes after the sudden closure of the greyhound race track on Guam. For several months after the track's closure, GAIN rescued abandoned greyhounds in villages and remote areas. The organization and its members cared for these greyhounds and searched for responsible pet owners in our community to adopt them. GAIN worked with the management of the former race track to address the large number of greyhounds needing adoptive homes. GAIN partnered with mainland greyhound advocacy groups to help rescue the greyhounds on Guam, including the Greyhound Protection League; Home Stretch Greys; North Coast Greyhound; and Greyhound Friends of Massachusetts. Continental Airlines contributed to this effort by providing discounted air fares to transport some greyhounds on flights to the mainland.

The greyhound rescue effort was a significant and combined effort for Guam's animal welfare community. Under GAIN' s leadership, non-profit organizations and community groups worked together to provide care and medical services to the greyhounds. As a result of GAIN's efforts, to date, 136 greyhounds have been successfully relocated to shelters and homes in the mainland and 23 greyhounds have been adopted in local homes. This rescue effort continues as GAIN and its volunteers work to locate the remaining abandoned greyhounds and to find homes for all the dogs from the former race track.

I commend the Guam Animals In Need organization for their service to our community and for their commitment to caring for animals on Guam.

CONGRATULATING THE DALLAS CHAMBER OF COMMERCE'S 100TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I am proud to recognize the Dallas Chamber of Commerce as they celebrate 100 years of excellence.

Founded in 1909 when the Board of Trade merged with the Commercial Club, the 150,000 Club, and the Freight Bureau, the Dallas Chamber of Commerce has emerged over a century as one of the largest member-driven organizations of businesses in the nation. Membership currently represents 3,000 businesses of all sizes and consists cumulatively of 600,000 employees. The Dallas Regional Chamber is committed to the betterment of the region through active involvement in public policy, economic development, and member engagement.

The Dallas-Fort Worth area has grown significantly in the past century and the Dallas Chamber has been there through all of it. Institutions such as Southern Methodist University, the Federal Reserve Bank, DFW airport, UT Southwestern Medical Center, and DART rail have all grown and benefited from the contributions of the Dallas Chamber.

The Chamber has also been active in the effort to ensure the region's future success through its educational outreach programs. Programs such as the Job Shadowing program and the Principal Executive Partnership, which builds relationships between educational and business leaders, illustrate the Dallas Chamber of Commerce's investment in aspects of our region's education to help provide for a well trained workforce and a stronger North Texas economy for the future.

Madam Speaker, I commend the Dallas Chamber for its long-standing service to the North Texas region, and I congratulate the organization on its centennial anniversary.

INTRODUCTION OF NATIONAL TRAILS DAY RESOLUTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BLUMENAUER. Madam Speaker, as co-chair of the House Trails Caucus, I am pleased to introduce a resolution highlighting National Trails Day®, which will fall this year on June 6, 2009.

National Trails Day, which was founded by the American Hiking Society, is held every year on the first Saturday of June. It is a day of public events celebrating trails coordinated by the American Hiking Society in partnership with local trail clubs, parks, government agencies, and businesses. On this day, more than 1,500 trails events will take place around the country, including hiking, paddling, biking, horseback riding, bird watching, running, trail maintenance, and other activities.

I am introducing this resolution to highlight the importance of this day and to call attention to our Nation's network of trails. Trails improve our quality of life, whether they are urban paths running through major metropolitan areas or wilderness tracks leading to remote mountaintops. Some of my favorite moments have been spent running or biking on the Leif Erickson Trail in Forest Park or hiking on the Timberline Trail around Mount Hood.

Trails provide Americans with opportunities to engage in activities that improve our physical and mental health and they promote a greater understanding of nature and a connection to communities. In addition, the hundreds

of thousands of volunteers who care for our nation's trails understand the value of volunteerism and stewardship of our public landscapes.

This resolution recognizes the contribution of trail volunteers and organizations, highlights the opportunities trails provide to improve our physical and mental health, supports the goals and ideas of National Trails Day, encourages people to observe National Trails Day, and applauds national, State, and community agencies and groups for their work in promoting awareness about trails.

I hope my colleagues will join me in celebrating National Trails Day and recognizing the value of America's 200,000–mile trail network. On June 6, I hope we can all take time to join our constituents in doing trail maintenance, hiking, or another fun outdoor activity in honor of this day.

IN RECOGNITION OF DR. RHEA PAUL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. DELAURO. Madam Speaker, I rise to recognize Dr. Rhea Paul, a resident of Milford, Connecticut, for her lifetime of dedication to the improvement of quality-of-life for children who suffer from language and significant developmental disorders, for serving as a teaching professor who has mentored hundreds of undergraduate and graduate students, and for contributing extensively to the research in autism and language disorders as she prepares for her investiture as President of the Connecticut Speech-Language-Hearing Association.

Dr. Paul currently serves as a Professor at the Edward Zigler Center in Child Development and Social Policy within the Yale University School of Medicine, where in 2008 she became the first woman in her field to be awarded a Yale professorship. She has published over 70 papers in refereed journals and her textbook, Language Disorders from Infancy Through Adolescence: Assessment and Intervention, is considered the gold standard by scholars, clinicians and students alike.

Dr. Paul, who specializes in autism studies and preliteracy development, has been the recipient of numerous awards in recognition of her enormous contribution to the field of Speech Communication Disorders including the Millar Award for Faculty Excellence in 1988, an American Speech-Language-Hearing Association Fellowship in 1991, the Editor's Award from the American Journal of Speech-Language Pathology in 1996, and the Faculty Scholar Award from Southern Connecticut State University in 1999. She is the widow of Dr. Charles Isenberg, who passed away in 1997, and the proud mother of three grown children.

Today, I would like to recognize Dr. Rhea Paul as she begins her term as leader of Connecticut's professional association of speech-language pathologists, audiologists, and professional affiliates. I am truly proud that such an accomplished woman resides in my Congressional District, and grateful for the energy and advocacy Dr. Paul demonstrates on behalf of children with communication disorders and their families. I offer my best wishes to her and the Connecticut Speech-Language-Hearing Association in their future endeavors.

MEMORIAL DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. VISCLOSKY. Madam Speaker, this Memorial Day Weekend, we remember the brave men and women who have given their lives in battle, and we also honor the veterans who served in prior engagements and the troops currently in uniform. Throughout our history, brave Americans have fought for freedom and democracy around the world, and today we remember them for their noble service. We honor our troops and veterans through our deeds and our words, reaffirming our commitment to support our troops and providing our veterans with the benefits they deserve.

Over the last few years, Congress has made historic gains for America's troops, veterans, and military families. Among these accomplishments include a New GI Bill to restore the promise of a full, four-year college education for Iraq and Afghanistan veterans, the largest increase in history for veterans' healthcare and other services, and significant strides in rebuilding the American military and strengthening other benefits for our troops and military families. This Memorial Day I pledge to continue this critical work to put America's troops and veterans first.

I know that more remains to be done. I will never stop fighting to ensure we do right by the men and women who serve our nation and defend our freedom. This Memorial Day, please join me in paying tribute to the brave men and women from Northwest Indiana, and all of America, who gave their lives in defense of freedom and democracy.

RECOGNITION OF SERVICE MEN AND WOMEN FROM NEW JERSEY'S 3RD CD, MEMORIAL DAY 2009

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ADLER. Madam Speaker, in honor of Memorial Day, May 25, 2009, I would like to recognize service members from the 3rd Congressional District of New Jersey that have made the ultimate sacrifice in Operations Iraqi and Enduring Freedom:

SPC Ryan Baker, United States Army—Browns Mills, NJ

SSG Robert Chiomento, United States Army—Fort Dix, NJ

CPT Gregory Dalessio, United States Army—Cherry Hill, NJ

PFC Vincent Frassetto, United States Marine Corps Reserves—Toms River, NJ

SGT Bryan Freeman, United States Army Reserves—Lumberton, NJ

SSGT Anthony Goodwin, United States Marine Corps—Westampton, NJ

SSG Terry Hemingway, United States Army—Willingboro, NJ

MAJ Dwayne Kelley, United States Army Reserves—Willingboro, NJ

MAJ John Pryor, United States Army Reserves—Moorestown, NJ

CPL Thomas Saba, United States Marine Corps—Toms River, NJ

LTCOL John Spahr, United States Marine Corps—Cherry Hill, NJ

SPC Philip Spakosky, United States Army—Browns Mills, NJ

Within our military, servicemen and women demonstrate the highest level of heroism and bravery. The presence of these heroes makes our nation stronger and safer. The loss of any service member is painful. This Memorial Day we, as we should ever day, honor and give thanks to these men, and all other Soldiers, Marines, Sailors and Airmen who have given their lives in service to our country. We mourn their loss, and we offer prayers to their families. God bless our service members and their families.

PERSONAL EXPLANATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. DEGETTE. Madam Speaker, during final consideration of H.R. 627, Credit Cardholders' Bill of Rights Act of 2009, I inadvertently voted ''aye'' on roll call vote 277 when I had intended to vote ''nay''. I would like the record to reflect that I am proud of my long support of sensible policies and regulations that promote the health and safety of children and families from gun violence, including within our parks.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. LATOURETTE. 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. 915, the FAA Reauthorization Act of 2009.

Requesting Member: Congressman STEVEN C. LATOURETTE.

Bill Number: H.R. 915.

Legal Name of Requesting Entity: Lake County, OH

Address of Requesting Entity: 1885 Lost Nation Road, Willoughby, OH 44094 USA.

Description of Request: To authorize and make funds available to Lake County, OH for the purchase of Lost Nation airport from the City of Willoughby. The transaction will help maintain the capacity of the national aviation system. Up to $1,220,000 will be made available to Lake County, OH for the purchase.

TRIBUTE TO PAT BOONE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. WAMP. Madam Speaker, today I rise to honor the legendary singer, actor and author

Pat Boone of Nashville, Tennessee, for his 75th birthday on June 1. I want to take a moment to recognize his tremendous accomplishments and thank him for all he has contributed to Tennessee, our country and across the world.

Pat continues to give back to the community through charitable and educational organizations. For 32 years, he has played a significant role in the growth and success of Bethel Bible Village, a residential group home in my hometown of Chattanooga, Tennessee, that provides a happy, healthy and godly environment for children of families in crisis. Through golf tournaments, banquets and auctions, Pat has helped raise more than $2.7 million for this ministry and the families it serves.

Before graduating from Columbia University in 1958, Pat had already signed a multi-million dollar recording contract and had various television and movie deals, including hosting The Pat Boone Chevy Show. Through the course of his successful career, Pat started two record companies and released more than 30 Gold Record albums, including ''Ain't That a Shame,'' which climbed the charts to number one in 1955. He is the Billboard number ten all-time top record artist and a member of the Gospel Music Hall of Fame.

Pat's writings are as well known as his entertainment and have been translated into multiple languages, allowing people across the world to read his works. His first book, Twixt Twelve and Twenty, was a number-one bestseller in the 1950s and can now be found in school and church libraries across the nation. Pat Boone has proven himself an inspiring and successful writer, authoring more than 15 books.

Pat has served as the National Spokesman for the March of Dimes, the National Association of the Blind and other worthy charities. As the Entertainment Chairman of the National Easter Seal telethon, Pat helped raise over $600 million dollars to help handicapped children and adults. He currently is helping build a worldwide Internet ''blood bank'' to help solve the recurring blood shortages in certain parts of the world.

Pat and his wife of 55 years, Shirley, initiated Mercy Corps, one of the most respected humanitarian relief organizations in the world. What started as a small relief effort in Cambodia, now operates in more than 22 countries and delivers millions of dollars in food and basic necessities to those in need.

Pat Boone is an accomplished man of integrity, loyalty and outstanding leadership. He has positively shaped our community in Chattanooga, providing hope and encouragement to a generation of children at Bethel Bible Village and I am proud to recognize his accomplishments.

IN HONOR OF MAYOR GENE CAREY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I rise today to honor the former Mayor Gene Carey for his years of service to the City of Lewisville and the North Texas Region.

Gene Carey has a long tenure of public service in Lewisville where he served as Mayor for nine years, a City Councilman for seven years and a member of the city's Park Board for four years. His experience supported his philosophy that Mayor is not a position you start at, rather a position you work up to. Carey is known as a principled and ethical leader with a calming effect on the community.

Although he is leaving his position on the City Council, his hard work has resulted in projects that will serve as a reminder of his work for years to come. Under his leadership, Lewisville has seen the securing of new funding for infrastructure and neighborhood improvements, and the revitalization of Old Town Lewisville. Mayor Carey has offered strong guidance at a time when the city saw valued economic developments. He, along with his fellow City Council members also worked hard to provide a new jail facility.

During Mayor Carey's tenure, Lewisville saw major efforts to improve the overall quality of life for its citizens with passage of parks and library funding that has resulted in a new library and several areas where families can safely gather to enjoy a day away from hectic schedules. He was a strong advocate for a cultural arts center that will soon break ground.

His work has earned him the respect of fellow public servants. Council members will be quick to tell you that Carey always made sure all citizens had their voice heard, whether the issue be large or small. A fellow Council Member stated, ''For 20 years, Gene Carey served with honor and integrity. With his quiet humility he has led the City Council and staff in making Lewisville one of the best places to live in North Texas''.

Gene Carey is also respected for his deeds beyond city government. He is family man and a member of Lakeland Baptist Church. He served as President of Christian Community Action in Lewisville and is a graduate of the Lewisville Citizen's Police Academy. He also has the distinction of Honorary Police Officer. He is a professional with a well known sense of humor.

It is with great honor that I recognize Mayor Gene Carey for his years of hard work and dedication given to the citizens of Lewisville and North Texas. I am proud to represent him in Washington. His service sets a standard of devotion and true leadership, one that will endure.

INTRODUCTION OF THE AFFORDABLE GAS PRICE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Affordable Gas Price Act. This legislation reduces gas prices by reforming government polices that artificially inflate the price of gas. While the price of gas has not yet reached the record levels of last year, over the last 2 months the average price of gas has risen approximately 16 percent. In some areas, the price of gas is approaching $3.00 per gallon. There is thus a real possibility that the American people while soon by once again hard hit by skyrocketing gas prices.

High gas prices threaten our fragile economy and diminishes the quality of life for all Americans. One industry that is particularly hard hit is the trucking industry. The effects of high gas prices on the trucking industry will be reflected in increased costs for numerous consumer goods, thus further harming American consumers.

Unfortunately, many proposals to address the problem of higher energy prices involve increasing government interference in the market through policies such as price controls. These big government solutions will, at best, prove ineffective and, at worst, bring back the fuel shortages and gas lines of the seventies.

Instead of expanding government, Congress should repeal Federal laws and polices that raise the price of gas, either directly through taxes or indirectly though regulations that discourage the development of new fuel sources. This is why my legislation repeals the Federal moratorium on offshore drilling and allows oil exploration in the ANWR reserve in Alaska. My bill also ensures that the National Environmental Policy Act's environmental impact statement requirement will no longer be used as a tool to force refiners to waste valuable time and capital on nuisance litigation. The Affordable Gas Price Act also provides tax incentives to encourage investment in new refineries.

Federal fuel taxes are a major part of gasoline's cost. The Affordable Gas Price Act suspends the Federal gasoline tax any time the average gas prices exceeds $3.00 per gallon. During the suspension, the Federal Government will have a legal responsibility to ensure the Federal highway trust fund remains funded. My bill also raises the amount of mileage reimbursement not subject to taxes, and, during times of high oil prices, provides the same mileage reimbursement benefit to charity and medical organizations as provided to businesses.

Misguided and outdated trade polices are also artificially raising the price of gas. For instance, even though Russia and Kazakhstan allow their citizens the right and opportunity to emigrate, they are still subject to Jackson-Vanik sanctions, even though Jackson-Vanik was a reaction to the Soviet Union's highly restrictive emigration policy. Eliminating Jackson-Vankik's threat of trade-restricting sanctions would increase the United States' access to oil supplies from non-Arab countries. Thus, my bill terminates the application of title IV of the Trade Act of 1974 to Russia and Khazaskin, allowing Americans to enjoy the benefits of free trade with these oil-producing nations.

Finally, the Affordable Gas Price Act creates a Federal study on how the abandonment of the gold standard and the adoption of freely floating currencies are affecting the price of oil. It is no coincidence that oil prices first became an issue shortly after President Nixon unilaterally severed the dollar's last connection to gold. The system of fiat money makes consumers vulnerable to inflation and to constant fluctuations in the prices of essential goods such as oil.

In conclusion, Madam Speaker, I urge my colleagues to support the Affordable Gas Price Act and end government polices that increase the cost of gasoline.

IN SPECIAL RECOGNITION OF THE SESQUICENTENNIAL ANNIVERSARY OF THE VILLAGE OF OTTAWA, OHIO

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. LATTA. Madam Speaker:

Whereas, Congressman ROBERT E. LATTA extends his congratulations on the occasion of the One-Hundred Seventy-Fifth Anniversary of the Village of Ottawa, Ohio; and

Whereas, Ottawa, Ohio has been a proud member of the Northwest Ohio community since 1833; and

Whereas, the citizens of Ottawa, Ohio provide friendship and tradition to all those in Northwest Ohio; and

Whereas, Ottawa, Ohio has a long history of fostering business, education, and community relationships; therefore, be it

Resolved, The people of Northwest Ohio are grateful for the service of the citizens and employers of Ottawa, Ohio. Ohio's Fifth Congressional District is well served by their dedication and support. We wish Ottawa, Ohio all the best during its celebration the One-Hundred Seventy-Fifth anniversary.

HONORING SILVIO J. PICCINOTTI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Silvio J. Piccinotti of Petaluma, California, who passed away April 19, 2009, at the age of 100. Silvio was a fixture of the community for most of those years as it developed from an agricultural center to a small city with a variety of businesses but true to its rural roots.

Like many of their contemporaries in the area, Silvio's parents emigrated from the Italian-speaking area of Switzerland to the dairy ranching area of nearby Marin County where Silvio was born. They moved to Two Rock near Petaluma when he was an infant, and he worked on the local ranches as he grew up. In 1930 he purchased a ranch with his brother Americo, retiring from that business in 1975.

But Silvio is most known for his lifelong passion for draft horses, a passion he shared with the community. He was a founding member of the Northbay Draft Horse and Mule Club and tutored many young enthusiasts. He participated with his horse team and wagon in the Sonoma County Fair and the Harvest Fair and was especially appreciated at events in Petaluma, such as the annual Butter and Eggs Day parade. For 25 years he also sponsored an annual draft horse Wagon Train through Sonoma and Marin Counties.

Silvio was predeceased by his wife Alice and is survived by his son Vernon S. and his grandson Vernon J. Piccinotti as well as his dear friend Ellen Wight.

Madam Speaker, in 2005 the Sonoma County Horse Council appropriately inducted Silvio into its Equus Hall of Fame. His true fame lies with the generations of locals who will remember the wagon rides and the teams of draft horses that brought them joy and represented the spirit of the community.

RECOGNIZING MAURO LUNA'S SERVICE TO THE U.S. PROBATION SERVICE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. CUELLAR. Madam Speaker, I am proud to have this opportunity to celebrate the retirement of Mauro Luna from the U.S. Probation Service. His 22-year career in Laredo exhibits his native and lifelong dedication to the city and its people.

It was at Mary Help of Christians School that Mr. Luna developed his high standard of morals and ethics that he later exhibited as an officer and supervisor. He brought this leadership to his job everyday, and positively impacted those he interacted with through the course of a day.

Mauro Luna found education to be the cornerstone to any successful life and career, so after graduating from J.W. Nixon High School he went on to earn his degree from the University of Texas-Austin and his MBA from Laredo State University. During this time Mr. Luna married Maria Martinez and had two children, Marcos and Massiel Melinda.

Madam Speaker, now after 11 years with the Juvenile Department and 22 years with the U.S. Probation Office I find great pleasure in wishing Mauro Luna a long deserved retirement so he may spend more time with his family and hunting.

EXTENDING THE SUPPLEMENTAL SECURITY INCOME BENEFITS PROGRAM TO AMERICAN SAMOA, GUAM, PUERTO RICO, AND THE U.S. VIRGIN ISLANDS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. BORDALLO. Madam Speaker, I have introduced today legislation that will extend the Supplemental Security Income (SSI) benefits program to American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands. Specifically, this legislation would amend Section 303 of the Social Security Amendments of 1972 to make qualified residents of American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands eligible to receive supplemental security income.

The Supplemental Security Income program assures a minimum cash income to all aged, blind, or disabled persons. Section 301 of the Social Security Amendments of 1972 established the Supplemental Security Income benefits program and ended matching grant programs to the 50 states and the District of Columbia for assistance to aged, blind, and disabled individuals. It is important to note that the House bill in 1972 included the territories under the proposed SSI program, but the final bill did not include that provision. SSI was extended to the Northern Mariana Islands in 1976, while American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands remain under the old matching grant programs with limited Federal funding.

Territorial governments currently receive non-entitlement, federal-state grants under Title I (Grants to States for Old-Age Assistance for the Aged); Title X (Grants to the States for Aid to the Blind); Title XIV (Aid to the Permanently and Totally Disabled); and Title XVI (Grants to the States for Aid to the Aged, Blind and Disabled) of the Social Security Act for programs designed to assist the needy, aged, blind, and disabled. Residents of American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands who would otherwise qualify for SSI benefits are shortchanged under the current Aid to the Aged, Blind, or Disabled (AABD) Program where the federal payment is $637 per individual compared with an average payment under the AABD program on Guam being $100. American Samoa is at a greater disadvantage, receiving no AABD funds.

The legislation which I have introduced today would bring uniformity and fairness in annual payments by the federal government for all eligible persons residing in the 50 states, the District of Columbia and the territories under the SSI program and is one step in ensuring equity in Federal health programs for the territories.

I look forward on working with my colleagues to advance this bill.

INTRODUCTION OF THE REAFFIRMATION OF AMERICAN INDEPENDENCE RESOLUTION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. GOODLATTE, Madam Speaker, Article VI of the U.S. Constitution declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land." Since its beginning, our nation has operated under the fundamental principle that the people of the United States should determine their own destiny.

However, recently there has been a deeply disturbing trend in American jurisprudence. The Supreme Court, the highest court in the land, has begun to look abroad, to international laws, regulations and opinions to interpret the U.S. Constitution. This is a very frightening prospect considering these materials are crafted by bureaucrats and non-governmental organizations with virtually no democratic input.

This new trend is a threat to both our Nation's sovereignty and the democratic underpinnings of our system of government. Our Nation's founders acknowledged this very danger when they decried in the Declaration of Independence that King George had "combined to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws."

The contrast between this language in the Declaration of Independence and that of many of our Supreme Court justices could not be clearer. Justice Ruth Bader Ginsburg told the New York City Bar Association in 2005, "I will take enlightenment wherever I can get it. I don't want to stop at a national boundary."

Former Supreme Court Justice Sandra Day O'Connor made the prediction that the Supreme Court will rely "increasingly on international and foreign courts in examining domestic issues . . .," as opposed to relying solely on our Constitution as the basis for its rulings.

Indeed, with the laws of an entire world of nations to choose from, citing foreign laws and opinions encourages cherry-picking the foreign precedents that suit the desired outcome of the one citing them. It promises to be a very convenient tool for any federal judge or justice seeking to stretch the meaning of our Constitution beyond its original meaning.

As elected representatives of the people, we cannot stand by and let this occur any longer. We must return the focus of federal judges to their role as interpreters of the Constitution, not importers of foreign laws and opinions.

The Supreme Court is charged with making final pronouncements about our Constitution, which is uniquely American. Each of our nation's judges, as well as Supreme Court justices, took an oath to defend and uphold the U.S. Constitution—and it is time that Congress reminds these unelected officials of their sworn duties.

That is why I am introducing this resolution today, which expresses the sense of Congress that Federal judges and justices should not cite foreign judgments, laws, or pronouncements when interpreting the U.S. Constitution. This common sense resolution sends a strong, clear message that the Congress is not willing to simply stand idly by and see our nation's sovereignty weakened.

I believe the judicial branch is guaranteed a very high level of independence when it operates within the boundaries of the U.S. Constitution. However, when judges and justices begin to operate outside of those boundaries, Congress must respond. We must be steadfast guardians of the freedoms that are protected in the Constitution of the United States of America.

I urge the Members of this body to support this important resolution.

TRIBUTE TO COLONEL DIONYSIOS ANNINOS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Colonel Dionysios Anninos, who will assume Command of the United States Army Corps of Engineers Gulf Region Central District, located in Baghdad, Iraq on July 7, 2009.

There is without a doubt, few, if any, men who are as capable or prepared to oversee engineer projects in Iraq than Colonel Anninos. However, it is with reluctance and a heavy heart that we bid farewell to an officer who has served the Hampton Roads region of Virginia so well.

For almost three years, Colonel Anninos has commanded the Norfolk District U.S. Army Corps of Engineers. As Commander, Colonel Anninos managed the Corps' water resources development and navigable waterways operations for five river basins in the Commonwealth of Virginia. A key contributor to Chesapeake Bay restoration efforts, Colonel Anninos also oversaw projects helping to create jobs while improving the Nation's aging infrastructure.

From maintaining the critical intercoastal waterways and the Great Dismal Swamp Canal, to laying the groundwork for the Deep Creek Bridge in Chesapeake, Colonel Anninos has demonstrated a level of professionalism and excellence that I have only rarely had the benefit to witness.

For the many Virginians and residents of North Carolina within the sixteen counties and 5,000 square miles that lie within the Chowan River Basin, Colonel Anninos will be remembered for his tireless leadership to address the flooding there. Because of his efforts, we can look forward to a comprehensive Reconnaissance Study to investigate the flooding beginning in the next several months. In addition, Colonel Anninos' persistence and resourcefulness were central to bringing together federal, state, and local officials in a local-federal partnership to install a system of early-warning gauges on the River, which has risen to six of its highest flood levels in the last eleven years.

Under Colonel Anninos' command, the Norfolk District has also provided support in response to several natural disasters within Virginia and some of our Nation's greatest natural disasters, including Hurricanes Katrina and Ike. All the while his District provided engineering support to Overseas Contingency Operations in Iraq and Afghanistan serving side-by-side with our men and women overseas.

On behalf of the U.S. House of Representatives, the residents of the Chowan River Basin, and the residents of the Fourth congressional District of Virginia, I express my gratitude to Colonel Anninos for his service to our Nation, and for his friendship. I wish Colonel Anninos, his wife Catherine, and his two sons the very best as he continues to serve our great Nation.

CONGRATULATING ERIC YANG, WINNER OF THE NATIONAL GEOGRAPHIC BEE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate Eric Yang, who won first place in the 2009 National Geographic Bee.

I had the pleasure of finding out that Eric had advanced to the final round of the National Geographic Bee, and I was ecstatic to hear that he won. Eric, who is a 7th grader from The Colony, Texas, captured the 1st place title in the tie-breaker round. Eric did not miss a single question during the entire final round, in a competition that National Geographic reported as their most difficult competition to date. Eric is now the proud recipient of a $25,000 scholarship, a trip to the Galapagos Islands, and bragging rights for life.

More than just a geography buff, Eric demonstrates his giftedness in several other aspects of his life. An avid pianist, Eric placed first in the Dallas Jazz competition three years in a row. He also conquers in chess, reads anything he can get his hands on, and has an insatiable curiosity. I am encouraged by the inquisitiveness we see in this talented young man. Young people like Eric are the guiding lights we will look upon in the future to better our society.

I am proud to recognize Eric Yang for his great accomplishment. It is a distinct privilege to represent Mr. Yang in the 26th District of Texas, and I wish him the very best for a bright future.

TRIBUTE TO MIKE MCGOVERN

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KENNEDY. Madam Speaker, on behalf of the constituents of the State of Rhode Island and those whose lives have been impacted by Special Olympics Rhode Island, I would like to pay tribute to Mike McGovern, a man who has dedicated his life to the fulfillment of dreams of many with intellectual disabilities.

After a long and accomplished career serving in various leadership capacities for Special Olympics Rhode Island, Mike has decided to retire. He served as Assistant Executive Director from 1988 through 1998 before taking on the role of Executive Director in 1998. Over the last two decades, Special Olympics Rhode Island has benefited from his talents in fiscal management, fundraising, public relations, personnel management, and compliance with accreditation requirements established by Special Olympics, Inc.

Without a doubt, Mike's greatest satisfaction has come from watching young children with intellectual disabilities defy stereotypes and low expectations. Witnessing the children develop into confident, productive members of society is one of the many motivations that have empowered Mike over the course of his career. Additionally, Mike has been the driving force behind the success that Special Olympics Rhode Island has enjoyed in its commitment to being an athlete-centered program. His enthusiasm and guidance has ensured that Special Olympics Rhode Island is one of the most innovative and dynamic sports organizations in the state.

Mike McGovern remains a true friend to all those whose lives are touched by a person with developmental disabilities. Special Olympians across Rhode Island will miss his dedication and devotion as an individual who truly exemplifies the true meaning of Special Olympics, sport, spirit, and splendor.

CLOUD AND LAKEVIEW HOSPITALS BEING NAMED AMONGST THE TOP 100 HOSPITALS BY THOMSON REUTERS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. BACHMANN. Madam Speaker, to congratulate and honor St. Cloud Hospital and Lakeview Hospital in Stillwater, Minnesota for being named to the Top 100 Hospitals list by Thomson Reuters. The people of St. Cloud and Stillwater know how great their hospitals

are and I'm thrilled to see the staff members and administrations receive this recognition.

The Top 100 Hospitals evaluates short-term, acute care and non-federal hospitals on the overall care of a patient, including rate of medical complications and adherence to clinical standards, fiscal responsibility and patient satisfaction. We are fortunate to have high medical standards in this country and St. Cloud and Lakeview Hospitals demonstrate day in and day out that they take the Hippocratic oath to "do no harm" very seriously.

Lakeview Hospital was listed as a Small Community category winner. St. Cloud Hospital was recognized for its work in the Teaching Hospitals category, which only makes this hospital's achievements that much more important as it is a place where future doctors and administrators can learn how to create the best patient experience. St. Cloud Hospital was also one of 23 hospitals to receive the Everest Award, which recognizes the hospitals with the most improvement over a five-year period.

Madam Speaker, I rise today to honor these two institutions, St. Cloud and Lakeview Hospitals, as some of the top hospitals in the nation. Their recognition by Thomson Reuters as Top 100 Hospitals validates the pride Minnesota takes in their hospitals and other care facilities. As a small business owner working closely with the medical community, I am pleased to see that the people of St. Cloud and Stillwater have some of the best hospital care available to them in the country. Congratulations to everyone who works with these hospitals and to the communities that support them as their own.

IN TRIBUTE TO NEWT HEISLEY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. HARMAN. Madam Speaker, displayed prominently in my district office is an autographed medal featuring the POW/MIA flag. It was given to me and signed by Newt Heisley, the designer of the famous image. The black-and-white flag is a symbol of a Nation's gratitude, respect and commitment to those who never came back. In 1998, legislation I authored was signed into law mandating that the flag be flown above Federal buildings on six days a year, including Veterans and Memorial Day. We will never forget.

Newt Heisley died on May 18, at 88. He led a rich life committed to serving his country, to family, and to his artistic passion—forces that would ultimately inform the design of his seminal work.

In the early 1940s, after graduating from Syracuse University with a Fine Arts degree, Heisley joined the Army Air Forces—where he served heroically as a pilot in the Pacific Theatre in World War II.

After the war, Heisley put his artistic talent to work, joining an advertising agency in New Jersey—where he lived with his wife, Bunny, and son, Jeffrey. Hoping to follow in his father's footsteps, Jeffrey entered Marine Corps training but returned emaciated and sick with hepatitis.

Soon after his son's homecoming in 1971, Heisley was tasked with designing a flag for the National League of Families of American Prisoners and Missing in Southeast Asia. Heisley settled on a silhouette of a gaunt man, barbed wire and guard tower. Below that, he wrote "You are not forgotten."

To Heisley's surprise, the flag became a national icon. In 1988, it flew over the White House for the first time, and in 1990, Congress adopted it as the official symbol of appreciation for POWs and MIAs.

Despite the newfound fame, Heisley kept his humility. "I did it for the men who were prisoners of war or missing in action. They're the real heroes," he told the Denver Post in 2002, the same year he wrote his autobiography, Faith Under Fire.

This Memorial Day, I will be thinking of them—and Newt Heisley. In words of my dear friend Dave Albert, the former Lomita Councilman, whose failed attempt to get his local post office to fly the POW/MIA flag inspired the 1998 law, Heisley "was a true patriot for the POW/MIA cause, and he will never be forgotten."

A TRIBUTE TO THE LIFE OF LEWIS WILLIAM SEIDMAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. EHLERS. Madam Speaker, I rise today to pay tribute to my friend, Lewis William "Bill" Seidman, who died on May 13, 2009 at the age of 88. Bill was well-known and respected not only in the Grand Rapids area, but throughout our nation. He spent a great deal of his life serving our country, and he was a role model from the Greatest Generation. He was also an enthusiastic supporter of his home town of Grand Rapids, Michigan; it is the city I call home, and I have seen first-hand how his passion for public service has improved our community. He is well-known nationally as head of the Resolution Trust Corporation, which was ultimately responsible for cleaning up the Savings and Loan scandal.

Bill was born in Grand Rapids, Michigan on April 29, 1921. He graduated from Dartmouth College in 1943, served honorably in the Navy in the Pacific theater, during World War II, and was awarded the Bronze Star Medal. His record as a communications officer on a Navy destroyer during some of the key battles in World War II clearly shows Bill Seidman's unselfish demeanor. Bill always put his country first.

After the war, he obtained a law degree from Harvard and a Master of Business Administration degree from the University of Michigan. Bill married Sarah "Sally" Berry in 1944, and they had six children, 11 grandchildren and two great-grandchildren.

Bill had a large hand in shaping West Michigan as we know it today. He founded and was president of the television station WZZM in Grand Rapids. Bill actively encouraged the Michigan legislature to create a state college in 1963 to serve the Grand Rapids area; this has now grown to become Grand Valley State University (GVSU).

Bill's role in galvanizing support for Grand Valley State University was critical in its creation. His affiliation with GVSU is among his proudest legacies. The institution is now a world-class university that serves over 20,000 students in West Michigan. Bill once said, "There's nothing that I've done in life that gives me more satisfaction than seeing how Grand Valley State University is delivering on its promise to the Western Michigan area."

Bill helped reform the State of Michigan's financial management practices under the leadership of Governor George Romney in the 1960s. He later was appointed by President Gerald R. Ford as Assistant for Economic Affairs, and focused primarily on controlling inflation. He went on to co-chair the White House Conference on Productivity under President Ronald Reagan.

Mr. Seidman is most well-known for his service as the fourteenth chairman of the Federal Deposit Insurance Corporation. He was appointed in 1985 by President Ronald Reagan at a time when the nation's savings and loan financial system was descending into a crisis caused by ill-considered lending, in which hundreds of firms failed. This led Congress to form the Resolution Trust Corporation (RTC), which was the entity ultimately responsible for cleaning up the Savings and Loans scandal. Bill was appointed as head of the RTC by President George H. W. Bush. Mr. Seidman stated during a speech in Tokyo on September 18, 1996, ". . . the banking problems of the 80s and 90s came primarily, but not exclusively, from unsound real estate lending."

Bill never stopped working. As an expert on economic and financial matters, he was a regular commentator on CNBC, and an authoritative speaker on our current economic crisis.

Bill's pursuit of public service was a passion born from his drive to do what was right for the country, and for those close to him. He loved his country, and believed public service was a noble and important calling. The nation is far better off for his devoted public service.

I extend my most heartfelt sympathy and prayers to his wife and family. We will all miss him greatly.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. WOOLSEY. Mr. Speaker, reasonable gun restrictions are the cornerstone of the Second Amendment. Unfortunately, opponents of sensible gun laws have taken advantage of every opportunity to undermine the commonsense regulations that keep our communities safe and uphold our Constitution.

Earlier this year, these opponents stalled historic efforts to provide District of Columbia residents with a voting representative in Congress by including unrelated amendments legalizing semiautomatic assault weapons in the District. Today, while the House considers H.R. 627, the Credit Cardholders Bill of Rights, which will grant stronger protections for consumers facing excessive credit card fees, arbitrary interest rate increases, and unfair agreements with credit card companies, we also are faced with an Date unrelated amendment allowing loaded firearms to be carried in parks. These gun provisions have

no place in this bill and loaded firearms have no place in parks. I urge my colleagues to join me in opposing these harmful changes.

When the Bush Administration issued its regulations allowing national park visitors to carry loaded, concealed, and operable guns, it was clear these changes were not designed to protect Americans visiting parks. The Bush regulations aimed to overturn reasonable restrictions that had existed for nearly 30 years enabling park visitors with proper permits to carry firearms, as long as they were rendered inoperable with either a trigger lock or by disassembly. Fortunately, on March 19, 2009, U.S. District Judge Colleen Kollar-Kotelly halted the Bush Administration's regulations from going into effect.

Today, with this amendment, the gun industry seeks to go beyond the Bush Administration's suspended regulations and put into law extreme rules that allow park visitors to openly carry rifles, shotguns, and semi-automatic weapons in national parks. This reckless and irresponsible policy will dramatically increase the risk of shooting protected wildlife, vandalizing historic monuments, gun-related accidents for children and families visiting these parks. We cannot allow this dangerous policy to be passed into law.

Our national parks are America's sacred treasures and we must ensure their conservation and the safety of all who visit them. Madame Speaker, I fear that with this amendment, we are sacrificing our national parks and the safety of American families for the wishes of the gun industry and we will set a very dangerous precedent.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. HOLT. Madam Speaker, I voted yesterday in support of our Nation's small business and for the passage of the ''Job Creation through Entrepreneurship Act of 2009'', H.R. 2352.

Small businesses play an integral role in the United States economy. Small businesses employ more than half of all workers in the private sector and generate 60 to 80 percent of new jobs in this country. The entrepreneurial development programs developed by this bill will help small businesses not only survive the current downturn, but allow them to expand and create new jobs.

I am particularly pleased that this bill creates Veterans Business Centers for veteran entrepreneurs. Our nation was built by citizen-soldiers, yet too often, our veterans have difficulty finding well-paid, rewarding work in the nation they served and protected. According to the Department of Labor, we need to do more to help our youngest veterans find gainful employment. Veterans between the ages of 18 and 24 had an unemployment rate of 14.1 percent; nearly double the rate of those between the ages of 25 to 34 (7.3 percent). It is unacceptable that hundreds of thousands of veterans who have risked their own lives to defend our country can't find jobs, and many endure homelessness and lives of poverty after they return home. Our brave men and women in uniform have given so much for this country; it is right that the Congress help ensure that our returning soldiers have jobs when they come home.

I also am pleased that this bill increases the amount of entrepreneurial development training that will be offered through online training. I have long supported greater use of online job training, which is why I introduced H.R. 145, the Online Job Training Act of 2009, which amends the Workforce Investment Act to provide grants to states that establish or improve workforce training programs on the Internet. I have seen the value of online job training first-hand at a successful pilot program in my state run by the New Jersey Department of Labor and Workforce Development and Rutgers University. Online training allows workers to access needed development services during the time most convenient for them and in a location most convenient for them—scheduling around jobs, child care, and elder care responsibilities. Offering entrepreneurial development training online will expand the reach of this training to reach more workers and increase the impact of these existing programs.

The Job Creation Through Entrepreneurship Act will build on the investments that this Congress made through the American Recovery and Reinvestment Act. This bill will provide further aid to our small business and continues our efforts to put the economy back on the track to recovery.

REMEMBERING DR. NORVAL POHL, FORMER UNIVERSITY OF NORTH TEXAS PRESIDENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I rise today to remember Dr. Norval Pohl, the former president of the University of North Texas, located in Denton, Texas.

Over his six-year tenure as the 13th President of UNT, Dr. Pohl made several prominent, lasting contributions that will benefit the university's students for years to come. Among other accomplishments, Dr. Pohl helped establish the College of Engineering, and oversaw the creation of Discovery Park, a brand new 105,000 square-foot chemistry building, and a student recreation center, which was later named after him.

More important is the relationship he cultivated between faculty and students. Dr. Pohl always kept his door open to students, making time to listen to their ideas and concerns and give advice. Under Dr. Pohl's guidance, UNT truly became a student-centered university. Not even a brave struggle with cancer kept him from giving his time to the students who sought his counsel.

Dr. Pohl earned his Ph.D. in Quantitative Systems from Arizona State University, and received an M.B.A. in Management and a B.A. in Psychology from California State University at Fresno. In addition to his years at UNT, Dr. Pohl's career saw success at Northern Arizona University, the University of Nevada at Las Vegas, and finally at the Prescott campus of Embry-Riddle University, where he served as Chancellor and Provost.

My thoughts go out to his wife Dr. Barbikay Bissell Pohl, and sons Chandler and Prescott, as well as a long list of family and friends. Dr. Pohl will be greatly missed by the many that are fortunate enough to have known him.

275TH ANNIVERSARY OF TEWKSBURY MASSACHUSETTS

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. TSONGAS. Madam Speaker, I rise today to commemorate the 275th anniversary of the founding of the Town of Tewksbury, Massachusetts.

From its inception, Tewksbury has contributed to the rich history of Massachusetts and the country. Tewksbury began as a small collection of farms that now exist alongside the technological powerhouses of the new millennium. Businesses that call Tewksbury home conduct cutting edge research in the areas of energy, defense, digital entertainment, and medicine. From the American Revolution through the industrial revolution and now the information technology revolution, Tewksbury has emerged as a successful, innovative, and vibrant community.

I am proud to honor Tewksbury's 275th anniversary, and I urge my colleagues to join me in wishing the people of Tewksbury another 275 years of innovation and success.

MRS. CAROLYN MROZ

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mrs. Carolyn Mroz, recipient of the Humanitarian Award from The Optimist Club of Dundalk, Inc. Carolyn has been selected to receive this award because of her dedication to the Dundalk community over the last several decades.

Born in Dundalk, Maryland, Carolyn graduated from Sparrows Point High School but has not lived in the Dundalk Community for 34 years. Moving to Howard County in the 1970s so her husband could be closer to his job, Carolyn has remained active in her home community despite her physical distance from it.

Today, Carolyn is the President of Bay-Vanguard Federal Savings Bank, a company her father started in 1959. Her father began his work at the bank working with families from the steel yards and factories, leading him to establish conservative banking principles that Bay-Vanguard still operates by today. Sticking to her father's policies, Carolyn has kept the bank healthy in the current economic crisis, posting a zero percent foreclosure rate on home loans.

The Humanitarian of the Year award is presented to individuals who benefit the communities of Dundalk and Edgemere even though they do not reside in the area. In addition to Carolyn's efforts in the banking sector, she has been the president of the North Point Peninsula Community Coordinating Council,

where she now serves as secretary. Additionally, she has served as president of the Todd's Inheritance Historic Site, helping to raise over $500,000 for the renovation of the Todd House on North Point Road in Edgemere.

Madam Speaker, I ask that you join with me today to honor Mrs. Carolyn Mroz on this memorable occasion. Her dedication to the community of Dundalk is apparent in every aspect of her life despite her not residing there, and the community is truly a better place because of her.

INTRODUCING A BILL HONORING THE CONTRIBUTIONS OF TAKAMIYAMA DAIGORO TO THE SPORT OF SUMO AND TO UNITED STATES-JAPAN RELATIONS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce a bill that recognizes the contributions of Jesse Kuhaulua, known professionally as Takamiyama Daigoro, a trailblazer in the sport of sumo wrestling.

Maui-born and a graduate of Baldwin High School in Wailuku, Jesse made his debut as an aspirant in Japan's national sport in the winter of 1964 in Osaka. At the time, he knew little of the Japanese language and the subtleties of the sport itself. In this initial test, he wondered if his stay in Japan would be counted in weeks or months.

On June 15, 2009, Takamiyama Daigoro will retire from a 45-year long sumo career filled with historic milestones. This day marks the day before his 65th birthday by which senior members of the sport must retire.

Takamiyama Daigoro was the first United States born wrestler to enter the sport of sumo. In 1972, he became the first foreigner to win the Emperor's Cup, a top division championship in the sport. He was also the first foreign-born wrestler to climb to the sumo's third highest rank of sekiwake. Takamiyama also stands as the only foreigner to open his own stable, to train future generations in the sport, after he stopped actively competing himself.

Takamiyama opened the door for others from Hawaii to join him in this most ancient of sports. This group includes Saleva'a Atisano'e, also known as Konishiki, who became the first foreigner to reach the second-highest rank of ozeki; as well as Chad Rowen, also known as Akebono, who became the first foreigner to hold the highest rank of sumo, that of yokozuna; and Fiamalu Penitani, also known as Musashimaru, who became the second foreigner to hold the title of yokozuna.

I urge my colleagues to support this recognition of Jesse Kuhaulua, a true ambassador of aloha spirit.

MOREEN BLUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend, Moreen Blum, who was recently honored by the Sherman Oaks Democratic Club for her outstanding contributions to democratic politics in the San Fernando Valley. I have known Moreen for over two decades and have had the pleasure of working with her on many important issues in our community.

A long time volunteer in local politics, Moreen was born in Cleveland, Ohio. She joined the Navy when she was 20 years old and was a member of the Waves until 1952. Shortly after moving to Los Angeles in 1959, she formed the West Hollywood Democratic Club and was a Golden Girl at the John F. Kennedy nominating convention. Currently, she is President Emeritus of the Sherman Oaks Democratic Club, and is very active as the president and founder of the Summerville Democratic Club. Her noteworthy achievements were recognized by the Democratic Party of the San Fernando Valley, as she was presented with the Dorothy Mayer Award. She serves as a worthy example to all political activists.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Moreen Blum for her impressive career and dedication to the people of the San Fernando Valley.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. KISSELL. Madam Speaker, on Monday, May 18, 2009, I was unable to vote as I was participating in an Armed Services Congressional Delegation meeting at Ft. Bragg and missed three rollcall votes. Had I been present, I would have voted ''yea'' on rollcall No. 267 to pass H. Res. 300, Congratulating Camp Dudley YMCA of Westport, New York, on the occasion of its 125th anniversary; ''yea'' on rollcall No. 268 to pass S. 386, the ''Fraud Enforcement and Recovery Act of 2009''; and ''yea'' on rollcall No. 269 to pass H. Res. 442, ''Recognizing the Importance of the Child and Adult Care Food Program and its Positive Effect on the Lives of Low Income Children and Families.''

RECOGNIZING MAYOR VIC BURGESS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BURGESS. Madam Speaker, I rise today to recognize Mayor Vic Burgess who will be retiring from the City of Corinth this month after many years serving his community.

Since 2003, Mayor Burgess served selflessly in the non-paying position and also served for over five years as a City Council Member before being elected as Mayor. Mayor Burgess also held the position of County Judge for four years. His commitment to his community is further illustrated by his service as a volunteer police reserve officer for the City of Lewisville for six years and as a reserve officer for the Denton County Sheriff's Department for two and a half years.

As Mayor and former City Council Member, Vic Burgess demonstrated professionalism, integrity, enthusiasm and dedication to the city and citizens of Corinth. A fellow Council Member stated that, ''Mayor Burgess had a steady guiding hand to lead in good and bad times. He put the city on a good path for the future.''

It is with great honor that I recognize Mayor Vic Burgess for his years of hard work and dedication given to the citizens of Corinth and North Texas. I am proud to represent him in Washington and honor his service and devotion that demonstrates true leadership.

HONORING JAMES F. VESELY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. REICHERT. Madam Speaker, today I pause to honor a man who spent more than 40 years using his exceptional journalistic skill, integrity and ethic to promote civic engagement and help educate his readership and many others in the Pacific Northwest and beyond.

James F. Vesely retired from The Seattle Times on Friday, May 15, 2009. He oversaw the editorial pages at The Times since 2001 after holding the position of associate editorial page editor for the previous 10 years. During his tenure at the largest newspaper in my home state of Washington, Mr. Vesely consistently pushed The Times editorial pages and its writers to think independently, write accurately and report fairly. And, with an outstanding journalist with a lifetime of experience under his belt in the lead, the editorial page and its writers did just that. During a tremendously difficult time for newspapers throughout our country the editorial pages at The Times spoke consistently, accurately and uncompromisingly.

Before joining The Times in 1991, Mr. Vesely spent much of his career in the Midwest, including ten years in Detroit with The Detroit News. He also worked as a consulting editor for the Anchorage Times and as a visiting editor at The People's Daily in Beijing. In the mid-seventies, he was a Journalism Fellow at Stanford University and was a member of the National Conference of Editorial Writers for the past 15 years.

Mr. Vesely's involvement in civic engagement was the true barometer of his positive effect on citizens looking to ''get involved'' in their communities and government. In 2005, Mr. Vesely took the time to moderate a forum I held in the 8th District on Social Security and he and The Times Editorial Board hosted, moderated and submitted questions at many political debates—races I was involved in and a variety of others. Mr. Vesely also offered his time to CityClub, a non-profit, non-partisan education organization dedicated to informing citizens and building community leadership, in order to facilitate healthy dialogue and educational opportunities for people in the greater Seattle area. He never rested in educating himself and others to make our corner of the country a more informed, vibrant place to live.

With the retirement of James F. Vesely from The Seattle Times, the Pacific Northwest is losing an informed voice of reason and the journalism profession is losing a wealth of experience, wisdom and generosity. I wish Mr.

Vesely the best in retirement. He told The Times on May 13 that he was "plan(ing) to do a lot of fly-fishing"; that sounds like a great start.

AMENDING THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR A HEALTH SURVEY REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. BORDALLO. Madam Speaker, today I introduced legislation to amend the Public Health Service Act for the purposes of providing the resources necessary for the Department of Health and Human Services to survey the health of Native Hawaiians and other Pacific Islanders (NHOPI). Specifically, the bill I have introduced today would amend Part B of Title III of the Public Health Service Act to authorize the award of a contract or grant by the Secretary of Health and Human Services for the express purpose of developing a health survey targeting Native Hawaiians and other Pacific Islanders residing in the United States and the Freely Associated States in the Pacific Region.

In 1997, the Office of Management and Budget (OMB) revised federal data collection standards to recognize the significant demographic, historical, cultural, and ethnic differences that exist between Native Hawaiians and other Pacific Islanders and Asian Americans. These important distinctions are not simply cultural or historical, but also encompass unique health and socio-economic challenges among the different populations. The standard requires that Native Hawaiian and other Pacific Islander data be collected, disaggregated and reported separately from Asian American data by all federal agencies no later than January 1, 2003.

As of 2007, however, not all federal agencies are in full compliance with OMB Revised Directive 15. In the places where limited agency data do exist, they are not made publicly available or it takes years to release. On a national level, the sample size of the NHOPI population in studies and reports is not represented because of a lack of data—resulting in meaningful information and statistics being unavailable to health organizations, federal, state, territorial and local agencies and policymakers.

Native Hawaiian and other Pacific Islander communities are eager to move forward with their efforts to improve public health. This scientific survey would establish baseline health information to inform health policy and interventions so that individual and community health can be properly tracked and evaluated. Additionally, it would provide critical information for both NHOPI communities' health care providers and organizations that work with these communities to develop appropriate health care strategies for public health education and resources.

I look forward on working with my colleagues in addressing this need and advancing the larger cause of eliminating health disparities.

TRIBUTE TO ALL VETERANS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. QUIGLEY. Madam Speaker, President Abraham Lincoln said a Gettysburg, "The world will little note nor long remember what we say here, but it can never forget what they did here."

I rise today to honor those who have fallen in defense of our country, and I do so recognizing that history won't remember what a guy like me has to say.

But it's important for those who served, and those who serve, to know we will always take the time to remember, and say thank you.

I rise to recognize the sacrifices of the Solider holding the line in Gettysburg, the Sailor defending the fleet in the South Pacific, the Marine landing at Inchon, South Korea, and the Airman patrolling the skies over Vietnam.

Madam Speaker, we mark this holiday at a time when our sons and daughters are keeping watch over the streets of Baghdad and the mountains of Afghanistan.

We mark this holiday as a reminder that in conflicts past, present, and future, a generation of Americans will answer the call and pay the price of freedom.

While there is never doubt that they will do their duty and serve their country, let there never be doubt that we will stand by them and remember their service and their sacrifice.

You may know that my hometown, Chicago, has one of the nation's largest Memorial Day parades.

But you probably don't know about another, smaller, commemoration.

Dan Wenserski is a gentleman from my district who knows about paying tribute to his brothers and sisters who wore the uniform.

For as long as many can remember, Dan has paid his respects to those who served this country since its inception.

Each year, Dan unpacks flags that had draped the caskets of the fallen to create an Avenue of Flags at Rosehill Cemetery.

He believes it is important to pay tribute to all who sacrificed and served.

As an 85-year-old veteran of World War II, Dan shuns the spotlight, preferring to honor his fallen colleagues than receive honor himself.

But this Memorial Day, I ask all to join me in honoring and thanking Mr. Daniel Wenserski.

Mr. Wenserski saw combat in the European theater and returned from World War II as a 21-year-old with three purple hearts.

He is commander of Amvets Post 243.

Dedicated veterans like him are a national treasure.

We must remember them not only with memorials but in how we dedicate ourselves to the unfinished work of our Republic.

We must remember Lincoln's pledge to, "care for him who shall have borne the battle and for his widow and his orphan."

That means we can't just use this day to pay homage to those who are lost.

We need to remember those who remain behind.

We need to remember the mother or father who has to raise a family alone, and the children who are left with only a photo.

We have, and must continue to make great strides during this Congress to help that mother and that father.

We must not allow the lessons learned during this day go unheeded during every other.

We must dedicate every day to taking care of our veterans and their families, as they have taken every one of their days to dedicate to us.

I'd like to thank all of our veterans for the freedoms we all take for granted, and wish you and your families all the very best on this Memorial Day.

CLOUD AND LAKEVIEW HOSPITALS BEING NAMED AMONGST THE TOP 100 HOSPITALS BY THOMSON REUTERS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mrs. BACHMANN. Madam Speaker, I congratulate and honor St. Cloud Hospital and Lakeview Hospital in Stillwater, Minnesota for being named to the Top 100 Hospitals list by Thomson Reuters. The people of St. Cloud and Stillwater know how great their hospitals are and I'm thrilled to see the staff members and administrations receive this recognition.

The Top 100 Hospitals evaluates short-term, acute care and non-federal hospitals on the overall care of a patient, including rate of medical complications and adherence to clinical standards, fiscal responsibility and patient satisfaction. We are fortunate to have high medical standards in this country and St. Cloud and Lakeview Hospitals demonstrate day in and day out that they take the Hippocratic oath to "do no harm" very seriously.

Lakeview Hospital was listed as a Small Community category winner. St. Cloud Hospital was recognized for its work in the Teaching Hospitals category, which only makes this hospital's achievements that much more important as it is a place where future doctors and administrators can learn how to create the best patient experience. St. Cloud Hospital was also one of 23 hospitals to receive the Everest Award, which recognizes the hospitals with the most improvement over a five-year period.

Madam Speaker, I rise today to honor these two institutions, St. Cloud and Lakeview Hospitals, as some of the top hospitals in the nation. Their recognition by Thomson Reuters as Top 100 Hospitals validates the pride Minnesota takes in their hospitals and other care facilities. As a small business owner working closely with the medical community, I am pleased to see that the people of St. Cloud and Stillwater have some of the best hospital care available to them in the country. Congratulations to everyone who works with these hospitals and to the communities that support them as their own.

RECOGNIZING MICHAELA RODENO OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the many contributions made by my good friend, Michaela Rodeno, to the California wine industry and to Napa County. After serving 20 years as CEO of St. Supery Vineyards and Winery, Ms. Rodeno is retiring to become the winery's first CEO Emeritus.

Ms. Rodeno began her career in the wine industry in 1972 as the first female tour guide at Beaulieu Vineyard in Rutherford. She quickly capitalized on her college major in French Literature by impressing the first French wine company to invest in California with her linguistic skills. She became the second employee hired at Domaine Chandon, which quickly became one of Napa County's premier wineries.

Ms. Rodeno remained with Domaine Chandon for 15 years, advancing to the position of Vice President of Marketing. While there, she developed one of the first winery ''clubs'' in the industry, which eventually grew to more than 100,000 members. While at Domain Chandon, she also earned her MBA at the University of California, Berkeley.

In 1988 she was offered the position of CEO at St. Supery, another French-backed winery. St. Supery Vineyards and Winery is known for its innovations in winemaking and its commitment to consumer education and their Napa Valley Estate Sauvignon Blanc, Cabernet Sauvignon and meritage blends, Elu and Virtu, have earned critical acclaim and many awards.

A true pioneering woman in the wine industry, Ms. Rodeno was one of the original cofounders of Women for WineSense, a national organization promoting wine as part of a healthy, balanced lifestyle. She is a founding director of the Wine Marketing Council, has chaired the Meritage Association and the Napa Valley Wine Auction and has also served on the boards of the Wine Institute and the Napa Valley Vintners.

She and her husband, Greg, live on a 25 acre ranch near Oakville planted in Sauvignon Blanch and Pinot Grigio grapes and also own another 40 acres planted in Bordeaux varieties in Pope Valley. Although nearly all of the family's grapes are sold to Napa Valley vineries, they do produce a small amount of Sangiovese under their own Villa Ragazzi label.

Madam Speaker, it is fitting at this time that we honor Michaela Rodeno today for her many accomplishments. She has had a distinguished career in the wine industry and will be long remembered for her many contributions and innovations. We wish her all the best, and I am proud to call her my friend.

ON THE OBSERVANCE OF MEMORIAL DAY

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. PERRIELLO. Madam Speaker, as we prepare to observe Memorial Day, I rise to pay tribute to all those who have fallen in defense of our country. From Appomattox Courthouse to the National D-Day Memorial, the veterans of central and southern Virginia stand as a testament to the virtues of sacrifice and selfless service. I am proud to work for those who have given so much to our nation.

I firmly believe the best way to honor the veterans of past generations is to take care of the veterans alive today. Since coming to Congress, I have served as an active member of the House Committee on Veterans Affairs, working hard to ensure that the U.S. Department of Veterans Affairs continues to uphold its commitment to this Nation's veterans. I have been a co-sponsor of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, a bill which would authorize Congress to provide VA medical care appropriations one year in advance of the start of each fiscal year. An advance appropriation would provide the VA with a year to plan how to deliver the most efficient and effective care to an increasing number of veterans with increasingly complex medical conditions.

Taking care of our veterans also means helping them take care of their families. In today's economy many of our veterans are returning home after extended deployments only to find that the jobs they left behind no longer exist. I recently introduced H.R. 1098, the Veterans Worker Retraining Act of 2009. H.R. 1098 will help address the growing problem of veteran unemployment by reinstating and making permanent the rate increase for On-the-Job Training (OJT) benefits available to eligible veterans through the Department of Veterans Affairs. OJT offers veterans and members of the Guard and Reserve an alternative to attending a college or university by using their education benefit to obtain employment training.

As a Nation we have prospered because we have always had brave men and women willing to answer the call to arms in times of great uncertainty. May God bless all those who have fallen in the name of freedom and all those who stand vigilant to protect it.

IN REMEMBRANCE OF THOMAS BYRNE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. McCOLLUM. Madam Speaker, I rise today to honor the memory of Mr. Thomas Byrne, former Mayor of St. Paul, Minnesota who died on Sunday, April 5. While the city of St. Paul mourns the loss of a great civil servant, it is also a time to reflect on the legacy of this remarkable Minnesotan.

Elected St. Paul's mayor in 1966 and again in 1968, Mr. Byrne's time in office is remembered for his commitment to community and transparency, and for his abiding love for the great city of St. Paul. He was dedicated to the idea that government best serves its people when it is accessible and open to all, an idea that to this day underpins the very spirit of Saint Paul's local government.

During his very first year as mayor, Thomas Byrne brought back one of St. Paul's most festive traditions, its annual St. Patrick's Day parade. While the Irish-themed celebration may be the most tangible result of Byrne's time in office, his legacy runs much deeper. He managed to pass a city-wide housing law, and helped make St. Paul the first city in the United States to pass a human rights ordinance, all while fostering an environment of open dialogue that has become tradition in St. Paul. When protestors once staged a peaceful sit-in at his office, Mayor Byrne brought them coffee and doughnuts, a testament to his approach to politics.

Thomas Byrne was an exceptional man not only for his service to the city of St. Paul, but for his service to our great nation. After growing up in St. Paul, where he attended Cretin High School, Mr. Byrne enrolled at the University of St. Thomas for a bachelor's degree in education. He put his own education on hold, however, to serve as a navigator for the Army Air Corps during World War II. Stationed in Italy, he flew over 50 missions before returning home to receive his bachelor's degree from St. Thomas, and a master's degree in education from the University of Minnesota.

Both before and after his career as mayor, Thomas Byrne worked as a teacher and administrator for the St. Paul public school system. He served on the St. Paul Parks and Recreation Commission, the Minnesota Municipal Commission, and in his local Veterans of Foreign Wars post. He was a member of the Holy Spirit Men's Club and Choir, the St. Paul Federation of Teachers, the St. Paul Volunteer Bureau, his local American Legion chapter, and countless other community groups from Little League to the Knights of Columbus.

Thomas Byrne was the true embodiment of an active, involved citizen. A profound love for his community motivated him to give back in every way he could. Like so many Minnesotans, however, he still found time to fish at the family cabin in Northern Minnesota.

On behalf of myself, the City of St. Paul, and the state of Minnesota, I wish to honor the life and legacy of Thomas Byrne. I offer my thoughts and my prayers to Mary Therese Byrne, Thomas' wife of 63 years, and his three remaining children, Tim Byrne, Joseph Byrne, and Margaret Allen.

HONORING BRIAN O'NEILL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor the memory of Brian O'Neill, one of the great visionaries of the National Park Service, who passed on May 13, 2009.

For 25 years Brian served as Superintendent of the Golden Gate National Recreational Area, a vast swath of 75,500 acres in San Mateo and San Francisco Counties and across the Golden Gate in Marin County

in my congressional district. His influence on the Golden Gate National Recreational Area (GGNRA) and on our entire national park system was immense, and will last far into the future.

Brian O'Neill was born in 1941 in Washington D.C. and grew up there. In high school he teamed up with his mother, Virginia and his twin brother, Alan, to found a nonprofit organization to expose urban children to the wonders of national parks. After graduating from the University of Maryland, he joined what was then the Bureau of Outdoor Education, and worked on park planning. The Bureau's name was changed to Heritage Recreation and Conservation Service and later was merged into the National Park Service. In the early 70's, Brian had the opportunity to pitch the idea of urban national parks to President Nixon, who became an enthusiastic backer, and signed legislation creating the GGNRA in 1972. Nine years later Brian became Assistant Superintendent of the park and in 1986, he became its Superintendent.

When Brian first hiked through the GGNRA's fragrant headlands in his green uniform and flat brimmed hat, the park was a beautiful, but in many cases, crumbling collection of former military installations looking out on the broad Pacific and busy San Francisco Bay. Yet these places were steeped in history and brimming with potential. What it took to bring it all together was a passion for parks, a commitment to solid planning and the personal skills to create partnerships—all attributes of Brian O'Neill.

During Brian's tenure he strengthened and expanded the non-profit partnerships at Fort Mason, Fort Baker, the Presidio and the Mann Headlands. Where else could you visit a national park and see such well regarded and varied institutions as the Magic Theatre and Antenna Theatre, the Discovery Museum, the Marine Mammal Center and the headquarters of the Gulf of the Farallones National Marine Sanctuary? Where else could you hike through the magnificent redwood cathedral of Muir Woods and the same day hear an internationally known economist lecture at Cavallo Point?

The GGNRA under the leadership of Brian O'Neill became a place to enjoy nature and to learn about nature; a place to renew your spirit and expand your potential; a place to encounter the Bay Area's history and to prepare for its future. It was, and is now, a place for hikers, cyclists, equestrians, dog walkers, artists, educators, environmentalists, wind surfers, college kids and city kids, tourists from near and afar, and ordinary folks, taking just a few minutes to leave the city's bustle, enter the park's natural splendor and get away from it all.

It would be simplistic to say that the Golden Gate Recreational Area became everything to all people because, of course, it can't. Despite its urban interface, it is a national park, and the mission to preserve and protect its natural and cultural resources is always in tension with human uses. Brian's not always so fun job was to find ways to resolve these kinds of conflicts. For this job, he had an affability that diffused conflict, an encyclopedic knowledge of Park Service policies and regulations, and a crafty and creative mind. He never seemed to back down, but he found ways to churn out solutions to the most difficult and complex problems.

The Fort Baker Retreat and Conference Center is a case in point. At first it was to be a rather large public-private endeavor, but that disturbed residents and the City of Sausalito, who asked for my help. The Secretary of Interior intervened, more than a year of negotiation ensued, and the City of Sausalito eventually sued unsuccessfully to halt the project. Brian O'Neill listened and piece by piece he put together a new planning process that resulted in the project's downsizing, the selection of a local developer, new public meetings, and a campus that utilizes green building materials, solar energy, and transportation management.

Fort Baker is now the pride of the Park Service and Sausalito, and it couldn't have turned out so well without the persistence and varied skills of Brian O'Neill. What could have become a political quagmire became instead, Brian O'Neill's triumph.

Madam Speaker, there are a lot of people who are going to miss Brian O'Neill, his big smile, his twinkling blue eyes and his obvious enjoyment of his job. My consolations especially go to his wife Marti, his mother, Virginia, his twin brother Alan, and his two adult children, Kim and Brent. They have so much to be proud of. Brian O'Neill has left us a rich legacy in a park that is as wonderfully expansive as the man himself.

Brian O'Neill was an institution, but also a warm, caring human being, a friend . . . and a great dancer.

CONGRATULATING TAIWAN ON ITS PARTICIPATION AS AN OBSERVER IN THE 62ND WORLD HEALTH ASSEMBLY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. WU. Madam Speaker, as the 62nd World Health Assembly convenes in Geneva this week, I rise to congratulate Taiwan's participation as an observer. This occasion is a significant milestone for Taiwan because it marks the first time since withdrawing from the United Nations 38 years ago that Taiwan is rejoining a United Nations-related body as an observer.

I have been a longtime supporter of Taiwan's meaningful participation in the World Health Organization. The outbreaks of SARS, avian influenza, and most recently, the H1N1 flu, have made it clear that public health problems know no borders. With the great potential for the spread of infectious diseases across countries and continents, it is critical that all parts of the world, including Taiwan, be given the opportunity to participate in international health cooperation forums and programs.

In 2004, Congress demonstrated unequivocal support for Taiwan's participation in the World Health Organization by enacting Public Law 108–235, which authorized the secretary of state to initiate and implement a plan to endorse and obtain observer status for Taiwan at the annual World Health Assembly. I applaud this year's decision to finally grant Taiwan a seat at the table of this critical global health forum. May this occasion mark the beginning of Taiwan's growing involvement in other international organizations.

BEST WISHES TO DR. JAMES BILLINGTON, LIBRARIAN OF CONGRESS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BLUMENAUER. Madam Speaker, I rise to present my best wishes to Dr. James Billington, the Librarian of Congress, as he celebrates his 80th birthday on June 1. He is a friend and an exceptional steward of the Library of Congress.

The Library, a priceless although perhaps underappreciated resource, has evolved into so much more than a Congressional collection. It is truly the nation's library, containing a diverse multi-media collection of 140 million items on more than 600 miles of shelves.

It is our good fortune that this institution has been wisely directed since 1987 by James Billington, a scholar and an outstanding public servant. During his tenure, Dr. Billington has expanded the Library's collection to include not just hardcopy works, but digital and interactive material as well. Dr. Billington has displayed a commitment to public access and engagement by sharing the Library's priceless collections widely and also delving more deeply to generate knowledge and distill wisdom. I look forward to the continued development of innovative programs such as the National Digital Library and now the World Digital Library, and the annual National Book Festival on the Mall. In his inaugural address as Librarian he said, ''This place has a destiny to be a living encyclopedia of democracy, not just a mausoleum of culture, but a catalyst for civilization.''

I take great inspiration from the Library's art and architecture, and also in knowing that the Library of Congress is here for all. We've formed the bipartisan Congressional Library of Congress Caucus to promote this world class resource and to show appreciation for the Library, its collections, curators, and Librarian.

Thanks to Dr. Billington's vision and efforts the Library of Congress is now a must-see destination for visitors in Washington. I greatly appreciate his efforts and leadership of this esteemed institution, and wish him the best.

THE END OF THE LONG MARCH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. BILBRAY. Madam Speaker, on this Memorial Weekend, when we remember the sacrifices of the men and women who fought for our freedom and democracy, I would like to call my colleagues' attention to a powerful essay that appeared in the Japan Times last month. It was written by one of my constituents, Dr. Lester Tenney who is a survivor of the Battle of the Philippines, the Bataan Death March, a ''Hell Ship,'' and a Mitsui coal mine. He recalls that at his first prison camp, the Japanese commandant turned to the American prisoners of war (POWs) and told them that they were ''lower than dogs'' and ''they (the Japanese) would treat us that way for the rest of our lives.'' Then he said, ''We will never be friends with the piggish Americans.''

Yet the Japanese commandant who belittled this brave American was wrong. The United States and Japan have become friends and close allies, a result we welcome. Dr. Tenney's anger has been tempered by the many Japanese people who have welcomed him to Japan. Personal friendships and common goals heal many wounds.

Most important, Dr. Tenney reports an important development in US-Japan relations that cements the trust between our people. This year, the Government of Japan has apologized finally and officially to all former POWs of Japan. The Japanese are also considering including the American POWs in a program for peace, friendship and exchange. I hope that they will follow through with this. It is this spirit of reconciliation and remembrance that makes this American Memorial Day so significant.

THE END OF THE LONG MARCH

(By Lester Tenney)

Carlsbad, CA.—Sixty-seven years ago this month, on April 9, 1942, I was surrendered to the Japanese Imperial Army on the Bataan Peninsula in the Philippines. At my first prison camp, the Japanese commandant turned to the American prisoners of war (POWs) and told us that we were ''lower than dogs'' and ''they (the Japanese) would treat us that way for the rest of our lives.'' Then he said, ''We will never be friends with the piggish Americans.''

For a long time I thought he was right. But we have both changed. This year, I welcomed the Japanese government's first official apology to the American POWs, 63 years after our liberation.

If my fellow soldiers or I had known the consequences of being a POW of the Japanese, we would have fought to the death. After three long months of jungle fighting against a better-equipped invasion force, the American and Filipino troops were starving, sick, exhausted and out of ammunition.

At surrender, we were immediately forced to march 105 km through the steaming Bataan Peninsula without food, water, medical treatment or rest. Today, the Bataan Death March is remembered as one of the worst war crimes of World War II.

I will never forget my buddies who were shot simply for trying to get a drink of water; crushed by a tank for stumbling; bayoneted just because they could not take another step; or forced at gun point to bury alive the sick. I bear a deep scar where a Japanese officer on horseback brought his samurai sword down on my shoulder.

Those who survived the Death March faced over three years of unimaginably brutal imprisonment. Many, like me, were herded into ''Hell Ships,'' packed shoulder to shoulder without food or sanitation and shipped to factories, mines and docks across the Japanese Empire. The survivors were literally sold to private Japanese companies to work sustaining wartime production.

I dug coal in a dangerous Mitsui Corporation-owned mine. Like all POWs, I was overworked, beaten, humiliated and starved. The damage and suffering we endured from these companies' employees were comparable to, and sometimes worse than, that inflicted upon us by the Imperial Japanese military. Among World War II combat veterans and former POWs, those who were prisoners of the Japanese have the highest percentage of post-traumatic stress disorders. To say the least, we POWs had and still have intense feelings about Japan.

Yet the Japanese commandant who belittled his American captives was wrong. The United States and Japan have become friends and close allies—a result we welcome. My anger has been tempered by the many Japanese people who have welcomed me to Japan. Personal friendships and common goals heal many wounds.

Our unfortunate history came largely to closure in a personal meeting with the Japanese ambassador to the U.S. and his wife last November. I was finally able to tell a Japanese official my story. He heard of my humiliations, saw my scars and learned of my Japanese friends who have helped me overcome my POW trauma.

I asked for the ambassador's help in requesting three things from his government so that justice is achieved for POWs: (1) an official apology; (2) an appeal to companies to apologize for their wartime use of POWs; and (3) a reconciliation project.

In December, the ambassador wrote me with news for which I have waited decades. His letter said that Japan's government extends ''a heartfelt apology for our country having caused tremendous damage and suffering to many people, including those who have undergone tragic experiences in the Bataan Peninsula and Corregidor Island in the Philippines.''

This acknowledging gesture was followed in February by a Cabinet-approved statement to a member of the Diet that extended the apology to all ''former POWs.'' It is the first official apology specifically to mention POWs or any particular group hurt by Imperial Japan.

We POWs accept these long-sought apologies and now ask Japan to state them for all to hear and understand. I trust that my two other requests will be fulfilled soon. It has taken nearly seven decades, but Japan's recognition of its mistreatment of POWs attains historic justice and brings fullness to the U.S.-Japan relationship. A future of a peaceful alliance is what we really wanted in the first place.

CELEBRATING THE CENTENNIAL OF THE VILLAGE OF KENSINGTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the Village of Kensington on the occasion of its centennial. As one of New York's most unique and historic communities, Kensington is a quiet treasure on the North Shore of Long Island. With its beautiful green space, stylish architecture, and warm-hearted residents, Kensington has become synonymous with pleasant living.

The original vision for a ''planned colony'' on Long Island which would become Kensington, was the brainchild of the President of Aetna Bank in New York, Charles Finlay, and his partner, E.J. Rickert. With the farmland they purchased, Mr. Finlay and Mr. Rickert envisioned a community of spectacular homes amidst natural beauty, while maintaining proximity to the local railroad station. Their vision became a reality when in February 1909, the Kensington Association was created to organize Village improvements, including roads, landscaping, utilities, pool facilities, and walkways.

Rickert and Finlay built Kensington's famous white gates, modeled from those of London's Kensington Gardens, and named the Village after its new landmark. Improvements to Kensington continued, while honoring Rickert's and Finlay's vision for maintaining the natural beauty of the area. By a unanimous vote of Kensington's residents, Kensington became an incorporated village on November 28, 1921.

While a lot has changed around Kensington since that time, the Village has remained a wonderful community in which to raise a family and live out the American dream. Despite the hustle and bustle of the worlds' greatest metropolis just a few miles away, Kensington continues to be a community of tranquility. Its welcoming white gates will always symbolize the hospitable nature of its residents. I ask all my colleagues in the House of Representatives to please join me in honoring Mayor Susan Lopatkin, Deputy Mayor Gail Strongwater, Trustees Howard Diamond, Alina Hendler, and Gregory Keller, Village Clerk/Treasurer Arlene Giniger, and all the people of the Village of Kensington on their 100th anniversary.

IN REMEMBRANCE OF MRS. CARRIE SUE WILLIAMS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. MATSUI. Madam Speaker, I rise today to remember and honor Mrs. Carrie Sue Williams, who passed away on May 6, 2009, at the age of seventy-seven. I ask my colleagues to join me in honoring this fine woman.

Mrs. Williams was born Carrie Sue Martin on August 19, 1931, in Summit, Mississippi to Sam and Florence Martin. She was the eighth of nine children the Martins would have.

A woman of faith and quiet strength, Mrs. Williams' father passed away when she was young and she would often credit her mother's demeanor and ability to stay focused while raising nine with making a huge impact on her life.

United in holy matrimony on November 22, 1953, in Chicago, Illinois, Carrie Sue and Pastor Ephraim Williams stood by each other's side for more than 55 years. They have been blessed with two children, Gwendolyn Sue and Ephraim Jr., four grandchildren, and nine great grandchildren.

Affectionately known as ''Sister Sue,'' Mrs. Williams was a life long student devoted to God. During her studies, she attended Conroe Normal Industrial College, Andrews Bible College, and The Golden Gate Southern Baptist Extension. She graduated from the Southern Baptist Seminary Extension and the National Baptist Convention Certificate of Progress Program.

Additionally, Mrs. Williams undertook two years of pastoral training from local seminaries in Sacramento. She regularly attended conferences and seminars in religious programs, and completed enough hours of college level education to have earned her two master's degrees.

Always the devoted wife and mother, Mrs. Williams believed strongly that she had been called to be a pastor's wife, and defined her role as supporting her husband fully and being available for his needs.

Being devoted to her husband and his work as a pastor at St. Paul's Missionary Baptist Church, Mrs. Williams traveled extensively

with him on church duties throughout the country and world. Their travels took them to 32 States and countries in Africa, Europe, and the Middle East.

Madam Speaker, I hereby recognize and honor Mrs. Carrie Sue Williams for her life of service and dedication to her family, friends, and community. Mrs. Williams was a cheerful and loving woman who reached out to those in need and practiced what she believed in every day. She will be greatly missed.

HONORING CHIEF RON SHIELDS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. HENSARLING. Madam Speaker, I rise today to honor Chief Ron Shields of the Brownsboro Police Department and recognize his exceptional service and contributions to his country, the State of Texas and his community.

His exemplary career in law enforcement has touched communities throughout Texas. As an instructor with the East Texas Police Academy at Kilgore College, Chief Shields has helped train more than 500 peace officers. Chief Shields represents public service in the highest regard.

Before his career in law enforcement, Chief Shields served his country honorably as a member of the Army National Guard.

As the Congressman for the Fifth District of Texas, I am honored to recognize Chief Ron Shields for his many years of public service and innumerable contributions to his country, state and community. Chief, on behalf of all the constituents of the Fifth District, I would like to extend our most sincere thanks.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. YOUNG of Alaska. Madam Speaker, in adherence to the Republican Earmark Standards for the FAA Reauthorization, H.R. 915, I submit the following:

Requesting Member: Congressman DON YOUNG.

Bill Number: H.R. 915.

Section: 814.

Legal Name of Requesting Entity: Municipality of Anchorage.

Address of Requesting Entity: 632 W. 6th Ave., Anchorage, AK 99501.

Description of Request: The legislation enables airport land at Merrill Field to revert to the Municipality of Anchorage rather than the Federal Government. The Muni would like to use the land to expand the highway that runs by Merrill Field.

Requesting Member: Congressman DON YOUNG.

Bill Number: H.R. 915.

Section: 103.

Legal Name of Requesting Entity: Alaska DOT&PF.

Address of Requesting Entity: 4111 Aviation Avenue, Anchorage, AK 99519–6900.

Description of Request: This provision would allow the continuation of the Alaska Aviation Safety Project to conduct 3-dimensional mapping of Alaska's aviation corridors.

PERSONAL EXPLANATION

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. POLIS. Madam Speaker, on Wednesday, May 20, I was absent from the House of Representatives due to an emergency dental procedure, and thus I missed rollcall votes Nos. 276–278. Had I been present, I would have voted ''aye'' on Nos. 276, 277, 278.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of S. 896, ''Helping Families Save Their Homes in Bankruptcy Act of 2009.'' I would like to thank Chairman CONYERS of the House Judiciary Committee and Chairman BARNEY FRANK of the Financial Services Committee for their leadership on this issue. I also would like to thank Arthur D. Sidney of my staff who serves as my able Legislative Director. This issue is now before this body again for consideration.

Mr. Speaker, I urge my colleagues to support this bill because it provides a viable medium for bankruptcy judges to modify the terms of mortgages held by homeowners who have little recourse but to declare bankruptcy.

This bill could not have come at a more timely moment. This bill is on the floor of the House within weeks after the President's address before the Joint Session of Congress where President Obama outlined his economic plan for America and discussed the current economic situation that this country is facing.

To be sure, there are many economic woes that saddle this country. The statistics are staggering.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth which raises the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006, and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

I am glad that this legislation is finally on the floor of the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that $100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fall out from the subprime mortgage crisis. For consumers facing a foreclosure sale who want to retain their homes, Chapter 13 of the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if the mortgage is under-secured. Thus, if a Chapter 13 debtor owes $300,000 on a mortgage for a home that is worth less than $200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., $200,000, less the costs of foreclosure.

Importantly, S. 896 provides for a relaxation of the bankruptcy provisions and waives the mandatory requirement that a debtor must receive credit counseling prior to the filing for bankruptcy relief, under certain circumstances. The waiver applies in a Chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This bill also prohibits claims arising from violations of consumer protection laws. Specifically, this bill amends the Bankruptcy Code to disallow a claim that is subject to any remedy for damages or rescission as a result of the claimant's failure to comply with any applicable requirement under the Truth in Lending Act or other applicable state or federal consumer protection law in effect when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.

S. 896 also amends the Bankruptcy Code to permit modification of certain mortgages that are secured by the debtor's principal residence in specified respects. Lastly, the bill provides that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge incurred while the Chapter 13 case is pending and that arises from a debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

Because I have long championed the rights of homeowners facing mortgage foreclose in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language that would make the bill stronger and that would help more Americans. I co-sponsored sections of the Manager's Amendment and I urge my colleagues to support the bill.

Specifically, I worked with Chairman CONYERS to ensure that in section 2 of the amendment, section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to undergo a slow credit counseling process. This will help prevent the debtors credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

The bill relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. Section 4 allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the Manager's Amendment allows for the creditor to demonstrate that it undertook its ''last clear'' chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the bill amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the bill that would allow the debtors and creditors to negotiate before a declaration of bankruptcy is made. I made sure that the bill addresses present situations at the time of enactment where homeowners are in the process of mortgage foreclosure.

Texas ranks 17th in foreclosures. Texas would have faired far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, Americans' personal income decreased $20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased $11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased $56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

IN RECOGNITION OF ALBIN GRUHN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. SPEIER. Madam Speaker, I rise with sadness today to honor Albin Gruhn of San Anselmo, California, who passed away March 18 at the age of 94. Mr. Gruhn was a respected and beloved labor leader and consumer rights activist whose calling was the welfare of the working people of California. His 36 years as president of the California Labor Federation and his role as a founder of the Association of California Consumers were at the heart of a remarkable career.

Mr. Gruhn was born in Eureka, California, in 1915. At the age of 19 he began working for the Hammond Lumber Co. where he joined the Sawmill and Loggers Federal Union. A strike shortly afterwards resulted in the deaths of three union picketers and deeply affected him, resulting in a life-long commitment to the labor movement.

He was also blacklisted as a result of his participation in the strike but soon found employment in construction, joining the Laborers Local where his membership continued for over 60 years. At the age of 22, he became secretary of the Central Labor Council of Humboldt and Del Norte Counties and led that council for over 20 years.

In 1940 Mr. Gruhn was first elected to what is now the California Labor Federation as district vice president and became its president in 1960. He led with skill, enthusiasm, and passion until his retirement in 1996. He helped build the organization into a strong and effective advocacy group for the rights of workers, inspiring several generations of political and labor leaders along the way.

During the 1960s, Mr. Gruhn was also a founder of the Association of California Consumers, California's first consumer group, and later became a founding officer and then president emeritus of the Consumer Federation of California. He also devoted some of his considerable energies to the California Apprenticeship Council and the California Constitution Revision Commission as well as serving on various state commissions. These were appointments over the decades by five California governors and covered a variety of issues from fair housing to air pollution. One of the commissions dealt with children and youth, reflecting his deep involvement in the annual scholarship program established by the California Labor Federation.

Mr. Gruhn was always politically active as a means of supporting the causes he believed in. From campaigning for Franklin Roosevelt at the age of 17 to serving as an Adlai Stevenson delegate in 1956, he stayed engaged in the process. In 1944, he founded the Northern California AFL Political League.

Mr. Gruhn was married to the former Dorothy Coon for over 37 years. Dorothy predeceased him in 2005, and the couple are survived by a large family of eight children, 14 grandchildren, and 17 great grandchildren.

Madam Speaker, Albin Gruhn was proud to fight for working people, and all those with whom he came in contact—from family and friends to political leaders and co-workers—drew inspiration from his commitment. It is fitting in honoring him today to remember the remarks he always used to conclude his labor speeches: ''In unity there is strength. United we stand, divided we fall. An injury to one is an injury to all.''

URGING ALL AMERICANS AND PEOPLE OF ALL NATIONALITIES TO VISIT THE NATIONAL CEMETERIES, MEMORIALS, AND MARKERS ON MEMORIAL DAY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 360, ''Urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day''. I would like to thank my colleague Representative DAVID ROE for introducing this resolution, as well as the co-sponsors.

I do not believe there is a person in this body, or a person in this building, who does not feel a remarkable pride in the presence of the men and women who serve in our Nation's

military. Their incredible sacrifices and courage in the face of innumerable hazards have been critical to the preservation of the freedom, security, and prosperity enjoyed that we as Americans have come to love, enjoy, and even expect.

Likewise, I do not believe there is a person in this body, or a person in this building, who does not feel an intense tragedy in seeing these men and women make the ultimate sacrifice—whether it is seeing the loss of such extraordinary Americans, or the immense pain and sympathy for their families and loved ones.

When the United States has fought in wars outside and inside of its borders to restore freedom and human dignity, they were the ones who made the true sacrifices. The United States has spent its national treasure and shed its blood in fighting those wars.

Our government has sought to do its part in honoring these brave men and women. The National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries that serve as the final resting place for nearly 3,000,000 of these veterans and their dependents. Each year, millions of Americans visit these national cemeteries, memorials, and markers.

Across the globe, we find similar efforts. Overseas sites annually recognize Memorial Day with speeches, a reading of the Memorial Day Proclamation, wreath laying ceremonies, military bands and units, and the decoration of each grave site with the flag of the United States and that of the host country.

Wherever the proud fallen American soldier is honored, these splendid commemorative sites inspire patriotism, evoke gratitude, and teach history.

My residents of my city, Houston, have long honored their veterans. Within city limits stands the Michael E. DeBakey VA Medical Center. It was awarded the Robert W. Carey Organizational Excellence Award in 2005, the Robert W. Carey Circle of Excellence Quality Award in 2007, and re-designation for Magnet Recognition for Excellence in Nursing Services in 2008.

The MEDVAMC serves as the primary health care provider for more than 120,000 veterans in southeast Texas and over 13,000 from Houston. Veterans from around the country are referred to the MEDVAMC for countless medical services, and their outpatient clinics logged nearly 900,000 outpatient visits in fiscal year 2008 alone. All this in a state with over 1.7 million veterans, 247,000 of which are disabled and over 25,000 buried in her soil.

There is another great example that comes to mind, of how my district has honored those who defend them. In Memorial Plaza, stands a pillar holding a stone globe; written on the pillar are several names of US soldiers, fallen in the Second World War, as well as a quote by Father Dennis Edward O'Brien, chaplain of the U.S. Marines:

''IT'S THE SOLDIER: When the country has been the need, it has always been the soldier! It's the soldier, not the newspaper who has given us Freedom of the Press. It's the soldier, not the poet, who has given us Freedom of Speech. It's the soldier, not the campus organizer, who has given us the Freedom to Demonstrate. It's the soldier who salutes the flag, serves under the flag and whose coffin is draped by the flag who gives the protester the right to burn the flag. And it's the soldier who is called upon to defend our way of life!''

That is why I proudly join my colleagues in strongly urging Americans and people of all nationalities to visit national cemeteries, memorials, and markers on Memorial Day. It is so that they may see words like these, even if it is only once a year, and know where the spirit of American generosity, sacrifice, and courage are displayed and commemorated.

IN APPRECIATION OF SUPERINTENDENT OF SCHOOLS BARBARA OLDS

HON. JACKIE SPEIER–

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. SPEIER. Madam Speaker, Barbara Olds has served the children of South San Francisco as a teacher, principal, Superintendent and everything in between for more than forty years, since taking her first job as a teacher at South San Francisco High School in 1966.

Superintendent Olds' legacy of service is a remarkable achievement, one truly fitting of recognition. She is set to retire at the end of this academic year to give herself time to pursue her many and varied interests.

Barbara Olds was the type of teacher that kids tell their parents about and parents pray that their children get assigned to her classroom. To Barbara, instruction never ended at the bell and learning was never confined to textbooks. During her 14-years as a teacher, Ms. Olds tirelessly gave of her free time for the benefit of her students and fellow educators, serving as Director of Student Government, Director of Student Activities, and serving the South San Francisco Classroom Teachers Association in many capacities—including as a member of the Negotiating Council and as both President and Vice President.

Since moving into school administration in 1979, Barbara served as an Assistant Principal for Discipline and Attendance, then Counseling and Guidance, before being named Principal of South San Francisco High School in 1991.

In 2003, her excellent work, unparalleled standing in the community and clear passion for education led the SSF Unified School District Board of Trustees to elevate Barbara Olds to the position of Superintendent of Schools. Since that time the district has thrived, despite difficult financial times.

Barbara Olds received her Bachelor of Arts and Secondary Teaching Credential from San Francisco State University and a Master's of Public Administration from the College of Notre Dame in Belmont. She further advanced her education with an IDEA Fellowship in 1989.

Madam Speaker, I have been privileged to know Superintendent Olds these many years and can attest to the fact that she shaped thousands of young minds and encouraged countless students to engage in their world and pursue their dreams. Her love and passion for education was passed onto her son, Robert, who continues the family tradition as a fourth grade teacher.

Our community and our nation are better places because of the work of Barbara Olds. On behalf of the United States House of Representatives and the grateful citizens of the City of South San Francisco, I thank her and wish Barbara much joy and success in the years to come.

HONORING POLICE OFFICERS AND LAW ENFORCEMENT PROFESSIONALS DURING POLICE WEEK

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 426, ''Honoring police officers and law enforcement professionals during Police Week''. I would like to thank my colleague Representative JERRY MCNERNEY, as well as the co-sponsors, for introducing this resolution.

I stand in support of this important resolution, because police officers of every rank and from every walk of life are working every day to keep communities across our nation safe. These hard working men and women perform a variety of duties to pursue justice and maintain public safety, and selflessly put their lives on the line to keep their neighbors and countrymen safe.

These Americans are reminded of these threats all too often—in just the last decade, hundreds of police officers were killed in the line of duty, and in just the first four months of 2009 more than 40 officers around the country have made the ultimate sacrifice. And as if that weren't bad enough, police officers and law enforcement personnel have been not been immune to the collapse of our economy, and have been adversely affected by the current economic situation.

In my home city of Houston, nearly 70 officers of the law have been killed in the line of duty, and 11 police officers have fallen in the past decade alone.

The most recent tragedy came less than six months ago, whenPolice Officer Timothy Scott Abernethy was shot and killed during a foot pursuit of a suspect who fled following a traffic stop. Officer Abernethy had lost sight of the man as he chased him around a building in an apartment complex. After going around the corner the man hid behind a gate and then shot the officer in the head as he ran by. Tim was transported to Memorial Hermann Hospital where he succumbed to his wounds a short time later. He is survived by his wife, son, daughter, parents, and siblings.

Before him, there was Police Officer Gary Allen Gryder. He was struck and killed by a drunk driver while directing traffic at a construction site on the Katy Freeway. The drunk driver drove through a barricade and struck Officer Gryder and another officer without braking. The vehicle continued until striking a brick wall. Gryder is survived by his wife, son, step-daughter, two grandchildren, parents, and two sisters.

And before either of them, there was Officer Rodney Joseph Johnson. Officer Johnson had stopped a large white pickup truck occupied by a man and woman on Randolph at Braniff, just south of Hobby Airport, at about 5:30 p.m. He placed the male driver—who, it would turn out, was in the country illegally—under arrest after he was unable to produce a drivers license. After handcuffing the male, he placed

him in the backseat of the patrol car and then returned to the driver's seat. The subject in the backseat was able to move his hands to his front, retrieve a concealed handgun, and then shot Officer Johnson in the back of the head four times.

Despite being fatally wounded, Officer Johnson was able to push an emergency button, alerting dispatch to the incident. When other officers arrived, the male was still handcuffed and sitting in the patrol car, and the weapon was recovered. Officer Johnson was taken to Ben Taub Hospital, where he was pronounced dead.

For these reasons, and more, our country has found respect for these brave men and women throughout its history. In 1962, President John F. Kennedy signed a proclamation declaring May 15 as Peace Officers Memorial Day to honor law enforcement officers killed in the line of duty, and to designate the calendar week in which May 15 occurs as Police Week.

And it is this tradition that we continue today, as this body, the House of Representatives, honors police officers for their efforts to create safer and more secure communities, and who risk their lives daily to protect Americans.

I wholeheartedly agree with my colleagues that Police Week provides an opportunity to honor police officers and law enforcement personnel for their selfless acts of bravery, and that police officers and law enforcement personnel who have made the ultimate sacrifice should be remembered and honored.

So let there be no doubt that the House of Representatives expresses its strong support for the Nation's police officers and law enforcement personnel.

IN APPRECIATION FOR THE EXCEPTIONAL PUBLIC SERVICE OF MARILYN MILLER

HON. JACKIE SPEIER–

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. SPEIER. Madam Speaker, the end of every school year is a time of change as graduates move on and students move up. In California's Twelfth Congressional District, this school year ends by bidding farewell to an unparalleled education professional, Marilyn Miller, Superintendent of the Hillsborough City School District.

Ms. Miller came to our community in 1975, with ten years of teaching under her belt in Southern California and Illinois. Her experience, passion for teaching and devotion to her students were immediately recognized and within five years, Marilyn was promoted to Principal of South Hillsborough School. In 1984, she was given even greater responsibility when she moved to William H. Crocker Middle School, where she stayed until ascending to the Superintendent's position 17 years ago.

Under Superintendent Miller's extraordinary leadership, Hillsborough schools have been singled out for local, statewide, national and even international awards. Nine times in her tenure, Hillsborough schools have been named a California Distinguished School, while on ten occasions the district has been awarded a J. Russell Kent Award for outstanding programs in San Mateo County public schools. Under Marilyn's stewardship, Hillsborough schools have also received four National Blue Ribbon Awards and in 1993, received the ''Best in Services Recognition'' from the Royal Swedish Academy of Sciences.

As both a principal and superintendent, Marilyn's tireless dedication has led to numerous public and private grants for her school system, including funding for science, technology, reading and reforming curriculum.

Madam Speaker, I know from personal experience that everything Marilyn has done in her educational career has been to further the excellence and opportunities of the children in her care. Nevertheless, she has been singled out for numerous personal recognitions, including being a finalist for the National Safety Council's Principal of the Year; elected President of the Association of California School Administrators; State Coordinator of the California Partnership Network Schools; Chairperson of the ACSA Middle School State Conference; and awarded College of Notre Dame, Belmont's Alumnus of the Year; Hinsdale, Illinois' Teacher of the Year; and San Mateo County's Outstanding Educator.

Marilyn has represented our community and our nation at international conferences, including presenting to the Stockholm School of Economics and serving as the United States representative to the New Leaders Conference in Singapore. In addition, she regularly attended the nationally-acclaimed Harvard University Superintendents' Forum.

Marilyn Miller studied History and English at the University of California, Berkeley before transferring to San Jose State University for her Education Degree. She went on to receive a Masters in Public Administration at Belmont's College of Notre Dame.

Madam Speaker, Marilyn has earned her retirement, even if the hole she leaves will be impossible to fill. She recently welcomed a new grandson, Cole, who with granddaughter, Erin, will happily occupy whatever free time Marilyn finds herself with. She and her always supportive husband, Dr. Arthur Miller, will now be able to spend more time with the little ones as well as their daughter Ashleigh and sons Garreth and Heath. As with all great public servants, their service is largely dependent on the amount of support they receive at home, so it is fitting to thank Marilyn's loving family for sharing their wife and mother with the greater community for all these years.

PACT ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, H.R. 1676, the Prevent All Cigarette Trafficking Act of 2009 or PACT Act. This bill was introduced by Representative WIENER of New York. This legislation makes it a federal offense for any seller making a ''delivery sale'' to fail to comply with all state excise tax, sales tax licensing, and tax sampling laws. I urge my colleagues to support this bill.

I also thank my legislative director, Arthur D. Sidney.

Every year tens of billions of cigarettes disappear into a lucrative black market for tobacco products and are trafficked throughout the world. Smuggling harms public health and minors by undermining tobacco tax policies. Smuggling also makes tax-free cigarettes available to minors who might otherwise quit smoking. It is reported that cigarette smuggling also helps finance criminal activity and terrorist organizations.

By diverting cigarettes while they are in the wholesale distribution chain, large-scale smugglers generally avoid all taxes. Increasingly, cigarette smuggling is on the rise throughout the United States. The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has reported that the number of ATF tobacco smuggling investigations has increased from 10 in 1998 to 425 in 2005. Some of these investigations and convictions have occurred in Texas.

Currently, the Jenkins Act, 15 USC 375, requires any person who sells and ships cigarettes across a state line to a buyer, other than a licensed distributor, to report the sale to the buyer's state tobacco collection officials. Compliance allows states to collect a cigarette excise tax. There are misdemeanor penalties for violation. Smugglers are circumventing the Jenkins Act by virtue of internet-based tobacco sales. Sales of tobacco through the internet have resulted in the loss of billions of dollars in tax revenue.

The Contraband Cigarette Trafficking Act, 18 USC 2342, makes it illegal for persons to knowingly ship, transport, receive, possess, sell, distribute, or purchase contraband cigarettes or contraband smokeless tobacco. It also prohibits a person from knowingly making any false statement or representation with respect to information required by law to be kept in the records of any person who ships, sells, distributes cigarettes in excess of 10,000 in a single transaction.

Cigarette smuggling is on the rise due to the internet and sales to and between Native American tribes and others. The PACT Act introduced by the Honorable Anthony Weiner makes it a federal offense for any seller to fail to comply with all state excise tax, sales tax licensing, and tax stamping laws. This bill also increases the Jenkins Act's existing penalties from a misdemeanor to a felony. It further empowers states to enforce the Jenkins Act against out of state sellers sending delivery sales into its territory by giving the Attorney General the power to seek injunctive relief and civil penalties. The Act prohibits the shipment of cigarettes and tobacco through the U.S. Postal Service and provides the ATF with the ability to inspect a distributor's business. Refusal to submit to inspection results in additional penalties. Internet sellers are required to verify a seller's age and identity through databases and the person accepting delivery must verify age and identity when signing for delivery.

I urge my colleagues to support this bill.

IN APPRECIATION OF BARBARA PLETZ

HON. JACKIE SPEIER–

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Ms. SPEIER. Madam Speaker, San Mateo County has one of the most respected Emergency Medical Services agencies in the nation. Much of that success is due to EMS Program Administrator Barbara Pletz, who retires May 21st after 21 years of dedicated and inspired service.

Under Barbara's leadership, the San Mateo County EMS system has been transformed into a nationally recognized model of excellence. The department has been singled out for many honors, including the Award for Excellence from the International Association of Fire Chiefs, International City-County Management's Award for Outstanding Partnerships, the Helen Putnam Award for Excellence in Public Safety from the League of California Cities, and a commendation from the National Council for Public-Private Partnerships.

Barbara Pletz has advanced emergency medical services in San Mateo County by, among other things, encouraging public-private partnerships, working with hospitals to develop the County's Trauma and Stroke Plans and helping develop the San Mateo County Mental Health Assessment and Referral Treatment Program.

Ms. Pletz is a registered nurse with over 35 years of health care experience, including a quarter century in emergency medical services. She is past president of the Emergency Medical Services Agency Administrators' Association of California and was its Legislative Chair from 1998–2004. She is also past president of the California Emergency Department Nurses Association and was one of the very first commissioners on the California State EMS Commission.

Besides honors bestowed on her department, Ms. Pletz has received personal acclaim, including the Distinguished Service Award from the Emergency Nurses Association, the Circle of Service Award from the California State Association of California, and the Lawrence M. Herman Award for Legislative Advocacy from the American Heart Association.

Madam Speaker, all of us in San Mateo County are sorry to see Barbara go, but we wish her much joy and adventure as she pursues her love of travel and experiencing new foods and cultures. Our county is a better place because of her service and for that we are eternally grateful.

ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand before you today in support of H.R. 2182, the ''Enhanced Oversight of State and Local Economic Recovery Act.'' I would like to thank my colleague Representative TOWNS for introducing this bill and I urge my colleagues to support H.R. 2182, amending the American Recovery and Reinvestment Act of 2009. Supporting this bill will ensure that those people responsible for monitoring and accounting the $787 billion currently being allocated through the Recovery Act are able to do so both fairly and efficiently. I would also like to thank my legislative director, Mr. Arthur D. Sidney, for all his hard work.

This bill will require federal agencies receiving funds under the American Recovery and Reinvestment Act, subject to guidance from the Director of the Office of Management and Budget (OMB), to reasonably adjust applicable limits on administrative expenditures for federal awards to help award recipients defray costs of data collection, auditing, contract and grant planning and management, and investigations of waste, fraud, and abuse required under such Act.

The ''Enhanced Oversight of State and Local Economic Recovery Act'' modifies the Recovery Act and provides state and local governments the flexibility to set aside a portion of their stimulus funds, up to .5% of such funds, in addition to any funds already allocated to administrative expenditures, to conduct planning, management and oversight investigations to prevent and detect waste, fraud, and abuse.

Furthermore, H.R. 2182 will permit the Administrator of the General Services Administration (GSA) to provide for the use by state and local governments of GSA federal supply schedules for goods or services funded by such Act. The GSA schedules are pre-negotiated federal contracts for a range of common goods and services, for stimulus projects. In addition, this bill will make participation by a firm that sells to a state or local government through such schedule, voluntary as well as require the OMB Director to issue guidance to ensure accurate and consistent reporting of ''jobs created'' and ''jobs retained'' data.

There is much concern that state and local governments are unable to meet the oversight demands placed on them by the Recovery Act. The stimulus calls for unparalleled oversight and accountability, so we must provide those whose job it is to root out waste, fraud, and abuse with the adequate tools to get the job done. Our state and local governments are on the front lines of this monumental effort to fight mismanagement of Recovery Act dollars and their success is vital to making the stimulus work. Not initially providing funds for state auditors under the Recovery Act was an omission that needs to be rectified. I encourage all of my colleagues to support this bill.

SUPPORTING NATIONAL WOMEN'S HEALTH WEEK

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, today, I rise in support of H. Con. Res. 120 ''Supporting the goals and ideals of National Women's Health.'' I would also like to extend my gratitude to my distinguished colleague from New York, Representative MAURICE D. HINCHEY, for introducing this important legislation. I thank my legislative director, Arthur D. Sidney.

National Women's Health Week is a weeklong health observance coordinated by the U.S. Department of Health and Human Services' Office on Women's Health (OWH). National Women's Health Week empowers women to make their health a top priority. With the theme ''It's Your Time,'' the nationwide initiative encourages women to take simple steps for a longer, healthier, and happier life. During National Women's Health Week, communities, businesses, government, health organizations, and other groups work together to educate women about steps they can take to improve their physical and mental health and lower their risks of certain diseases. Important steps include: getting at least 2½ hours of moderate physical activity, 1 hour and 15 minutes of vigorous physical activity, or a combination of both each week; eating a nutritious diet; visiting a health care professional for regular checkups and preventive screenings; avoiding risky behaviors, like smoking and not wearing a seatbelt; and paying attention to mental health, including getting enough sleep and managing stress.

Research has established the existence of persistent racial and socioeconomic disparities in women's health in the United States. We know that coronary disease is the leading cause of death for both men and women. But, nearly twice as many women in the U.S. die of heart disease and stroke every year as die from all types of cancer. Yet, multiple studies have shown that women are less likely than men to be referred for invasive cardiac procedures.

While the life expectancy of women in the United States has risen, as a group, African American women have a shorter life expectancy and experience earlier onset of such chronic conditions as diabetes and hypertension. If we look at the death rates for diseases of the heart, African American women are clearly at risk with 147 deaths per 100,000. When we look at cervical cancer, we see that the incidence rate of invasive cervical cancer is higher among Asian-American women. Yet, we cannot explain the causes of these higher rates.

Disparities are perhaps most alarming when we look at HIV/AIDS. Twenty-two percent of Americans currently living with HIV are women, and 77 percent of those are African American or Hispanic. Many people are shocked to know that AIDS is the second leading cause of death among African American women age 25 to 44.

There are nearly 40 million women in America who are members of racial and ethnic minority groups. These women suffer disproportionately from premature death, disease, and disabilities. Many also face tremendous barriers to optimal health. This is a growing challenge in our nation.

The challenge is even greater when we consider the aging population. By the year 2050, nearly 1 in 4 adult women will be 65 years old or older, and an astonishing 1 in 17 will be 85 years old or older. We must ensure that our Federal agencies are in the forefront, working to find solutions to the challenges our nation faces in caring for the health of our women.

It is important to celebrate National Women's Health Week to remind women that taking care of themselves is essential to living

longer, healthier, and happier lives. Women are often the caregivers for their spouses, children, and parents and forget to focus on their own health. But research shows that when women take care of themselves, the health of their family improves. During National Women's Health Week it is important to educate our wives, mothers, grandmothers, daughters, sisters, aunts, and girlfriends about the steps they can take to improve their health and prevent disease. After all, when women take even the simplest steps to improve their health, the results can be significant and everyone can benefit.

H. Con. Res. 120 is an important way to support the women of this nation, and I am proud to stand today in support of this important legislation. I urge my colleagues to support this legislation as well.

MEMORIAL DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. WAXMAN. Madam Speaker, each year Memorial Day is an important time to honor the fallen, renew our support to the wounded and recognize the commitment and heroism of those who serve the United States.

In my district this weekend the headstones of the Los Angeles National Cemetery, as those in hundreds of cemeteries across the country, will be surrounded by flowers and by loved ones paying their respects to the departed. In the hustle and bustle of everyday life, these serene and mournful fields honor those who have made the ultimate sacrifice in defense of the freedoms we so cherish.

The sanctity and preservation of our nation's battlefields, monuments and institutions are of utmost importance to ensure that future generations can pay their respects to those who have fought. One of my constituents, Leon Cooper, has been tireless in his efforts to raise awareness about the build-up of garbage and debris at Red Beach in Tarawa Atoll in the remote Pacific island nation of Kiribati. On this site, in a span of just a few days in November 1943, nearly 1700 Marines and Navy personnel were killed and over 2000 more wounded in heavy fighting.

I applaud Mr. Cooper for his commitment. Recently his story about the Battle of Tarawa and its aftermath, Return to Tarawa: The Leon Cooper Story, debuted on the Discovery Network. This documentary, narrated by Ed Harris, provides a remarkable window into the events surrounding both the battle itself and Mr. Cooper's involvement, and is a great service to future generations.

I encourage our local U.S. Embassy in Fiji to work with the Government of Kiribati on sanitation and conservation projects that would provide long-term solutions for maintaining the coastline and preserving the area. It would be a tribute to our veterans and a great benefit to the Kiribati people.

While we honor those fallen and veterans from generations past, we must also honor the needs of our soldiers returning from Iraq and Afghanistan. The past three years have seen a remarkable increase in support for our nation's veterans, including the strengthening of quality health care, funding increases to treat traumatic brain injury and post-traumatic stress disorder, a record increase in veterans' educational funding, and other improvements to address deficiencies in medical facilities and housing.

The 30th congressional district is home to the West Los Angeles Veterans Medical Center, the largest VA hospital in the continental United States. The West LA VA was built on land that was generously donated in 1888 to serve as an Old Soldiers' Home. I am pleased that a State Veterans Home is being constructed on the property and that the VA is moving forward to develop long-term therapeutic supportive housing on the campus. In addition, I am delighted that the Fisher Foundation has built a facility on the property where veterans' families can live while their loved ones are getting medical treatment at the hospital. These are all appropriate uses that are consistent with the deed and will benefit our nation's veterans.

I remain opposed, however, to the VA's consideration of any plan that would divert portions of this land for commercial uses. That is why I am pleased that Senator DIANNE FEINSTEIN and I were able to have legislation passed by Congress and signed by the President to prohibit the sale or commercialization of the campus. I will continue my work with local veterans groups, elected officials and the community to ensure that the property of the West LA VA is preserved for programs that benefit and serve our veterans.

As Americans join together this Memorial Day, let us properly thank those who stand in harm's way, far from home, living under continual risk and fighting under the stars and stripes to preserve and defend the freedoms that all Americans cherish and hold dear. We owe these brave men and women an enduring debt of gratitude.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, Americans are taught to work hard and make money and to buy a house, but we are never taught about financial literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices. Indeed, we must learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens.

I am reminded of how important this issue is to American society, as I was invited to attend a financial literacy roundtable panel at the New York Stock Exchange late last month. The panel was sponsored by the Hope Literacy Foundation. The panel was moderated by John Hope Bryant. I was surrounded by some of the great financial literacy experts in the nation. At the roundtable, I discussed the importance of financial literacy for college and university students. It is important that students be taught financial literacy. The facts about students and financial literacy are astounding.

In 2008, 84 percent of undergraduates had at least one credit card. This figure is staggering. Young people who themselves might not even have a job are able to get credit cards. This is astounding because it begins the cycle of indebtedness.

Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit.

Because of my concern that young people are not sufficiently informed about financial literacy, I have offered this amendment: To require financial literacy counseling for borrowers, and for other purposes.

This amendment is important because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than $35,000. Passing this legislation will ensure that our nation's college students will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score. Currently there is about $60 billion in defaulted student loan debt.

Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent grads are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

This amendment will provide financial literacy training to students and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

I support the bill and urge my colleagues to do likewise.

H.R. 627 prevents card companies from unfairly increasing interest rates on existing card balances—retroactive increases are permitted only if a cardholder is more than 30 days late,

if a promotional rate expires, if the rate adjusts as part of a variable rate, or if the cardholder fails to comply with a workout agreement.

The bill requires card companies to give 45 days notice of all interest rate increases or significant contract changes (e.g. fees).

Requires companies to let consumers set their own fixed credit limit that cannot be exceeded.

Prevents companies from charging ''over-the-limit'' fees when a cardholder has set a limit, or when a preauthorized credit ''hold'' pushes a consumer over their limit.

Limits (to 3) the number of over-the-limit fees companies can charge for the same transaction—some issuers now charge virtually unlimited fees for a single violation.

Ends unfair ''double cycle'' billing—card companies couldn't charge interest on debt consumers have already paid on time.

If a cardholder pays on time and in full, the bill prevents card companies from piling additional fees on balances consisting solely of left-over interest.

Prohibits card companies from charging a fee when customers pay their bill.

Many companies credit payments to a cardholder's lowest interest rate balances first, making it impossible for the consumer to pay off high-rate debt. The bill bans this practice, requiring payments made in excess of the minimum to be allocated proportionally or to the balance with the highest interest rate. Protects Cardholders from Due Date Gimmicks.

Requires card companies to mail billing statements 21 calendar days before the due date (up from the current 14 days), and to credit as ''on time'' payments made before 5 p.m. local time on the due date.

Extends the due date to next business day for mailed payments when the due date falls on a day a card company does not accept or receive mail (i.e. Sundays and holidays).

Establishes standard definitions of terms like ''fixed rate'' and ''prime rate'' so companies can't mislead or deceive consumers in marketing and advertising.

Gives consumers who are pre-approved for a card the right to reject that card prior to activation without negatively affecting their credit scores.

Prohibits issuers of subprime cards (where total yearly fixed fees exceed 25 percent of the credit limit) from charging those fees to the card itself. These cards are generally targeted to low-income consumers with weak credit histories.

Prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated.

Requires reports to Congress by the Federal Reserve on credit card industry practices to enhance congressional oversight.

Requires card companies to send out 45-day notice of interest rate increases 90-days after the bill is signed into law; the remainder of the bill takes effect 12 months after enactment.

82 PERCENT OF CREDIT CARDS ALLOWED UNLIMITED PENALTY RATE INCREASES

When credit card accounts become past due, companies frequently impose penalty interest rate increases on outstanding balances, on top of late fees averaging $39. The penalty interest rate can lead to a significant increase in the cardholder's level of debt, and may continue to apply long after the cardholder has re-established a track record of responsible payment behavior.

The Pew Health Group studied all credit cards offered online by the largest 12 issuers, which control nearly 90 percent of outstanding credit card debt in America. The study included more than 400 credit card products. Based on a new analysis of this data, we found that 82 percent of credit cards allowed issuers to impose penalty interest rate hikes that could last indefinitely, giving responsible cardholders no right to return to the originally agreed interest rate.

''CURE PERIOD'' PROVISION WOULD HELP CURB PENALTIES AVERAGING $500 PER YEAR

The median allowable penalty interest rate was 28 percent per year, adding nearly 14 percentage points to the average non-penalty interest rate. This penalty would cost $140 annually for every $1,000 in credit card debt, or nearly $500 per year for a typical repriced account. In most cases, these added costs can continue as long as the account is open, regardless of the cardholder's subsequent payment behavior.

The Federal Reserve has announced rules to help limit penalties it deems ''unfair and deceptive.'' But even under those rules, Americans will be on track to pay credit card companies more than $7 billion per year in penalty interest charges—unless congressional leaders adopt an important new Senate proposal.

The proposal, often called a ''cure period'' or ''pathway back,'' enables consumers to reverse penalty interest rates by making on-time payments for six months. Cardholders who pay on-time during the cure period can reduce penalty interest charges by half or more.

Mr. Speaker, I support this legislation. I urge my colleagues to do the same.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today in support of H.R. 2352 ''Job Creation Through Entrepreneurship Act of 2009.'' I would also like to extend my thanks to Representative HEATH SHULER of North Carolina for introducing this important legislation. This will amend the Small Business Act in a number of ways that will help small businesses throughout the United States.

America is home to more than 26 million small businesses that represent more than 99.7 percent of all employers. Small businesses create half of our gross domestic product, and up to 80 percent of the new jobs nationwide. Recent studies have shown that supporting small businesses is good for the American economy. In fact, for every $1 invested, small businesses will contribute $7 to the economy. H.R. 2352 provides small businesses and entrepreneurs the tools and resources they need to succeed and thrive. Entrepreneurial development programs helped create 73,000 jobs last year alone.

The vibrancy of our economic prosperity depends on the ability of our nation's small business community to adapt to opportunities at home and abroad. The skill required to navigate the many regulations imposed by the Federal government is essential to maximize any business plan. Alliances made between the private sector and government allow small business owners to be empowered by the Federal regulatory process and not the victim of it.

WOMEN

H.R. 2352 will accomplish many different initiatives pertaining to helping small businesses. There are specific stipulations that will enable women-owned businesses. It will revise the Small Business Administration's women's business center program to publish grants and establish a process for centers regarding administration matters. It will also authorize administrations to provide financial assistance to private nonprofit organizations to conduct projects for the benefits of small businesses owned and controlled by women as well as women's businesses centers performance measures to be established. H.R. 2352 will also require the National Women's Business Council studies to include the impact of the 2008—2009 financial markets crisis on women-owned businesses. H.R. 2352 will broaden the Women's Business Centers Program by improving and expanding business development resources for women entrepreneurs by increasing counseling and training facilities for this sector, particularly targeting underserved areas.

GENERAL

In addition to supporting women small business development the bill creates a grant program for SBDCs specifically designed to assist small firms in securing capital such as the new small business lending generated under the Recovery Act. The Recovery Act contains numerous provisions to generate new small business lending, such as increasing from 85% to 90% the amount of an SBA-backed loan that the government guarantees—with estimates that the Act will generate $21 billion in new lending and investment for small businesses.

H.R. 2352 also creates new entrepreneurial development programs. It establishes, for the first time, a nationwide network of Veterans Business Centers to provide specialized entrepreneurial training and counseling to our nation's veterans. It also creates new support services for Native American-owned small businesses.

CONCLUSION

Small businesses are the lifeblood of our economy in Houston and across America. But for too long, small businesses have found it difficult or impossible to compete for federal contracts. I am proud to support legislation that fixes this problem and gives hard-working small businesses a fair shake. I urge my colleagues to support this bill as well.

TRIBUTE TO THE DAUGHERTY MEMORIAL ASSESSMENT CENTER AT THE NAVAL SURFACE WARFARE CENTER, CORONA DIVISION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

Mr. CALVERT. Madam Speaker, I rise today to pay tribute to a young man who died in

service to his country and whose name will be forever immortalized at the Naval Surface Warfare Center (NSWC) in Corona, California. Cryptologic Technician, Technical, Petty Officer First Class Steven P. Daugherty is an American hero and I know that the men and women who work at NSWC, Corona are honored to have his name grace their new Joint Warfare Assessment Laboratory Building. Today, Armed Forces Day, would have been Steven's 30th birthday.

Steven P. Daugherty was born in Apple Valley, California, and was killed in action July 6, 2007, in Baghdad, Iraq, by an improvised explosive device (IED). Steven excelled at an early age: he was student of the month at Barstow High School and made the honor roll at Barstow Community College. After graduating with an associate's degree in liberal studies, Steven enlisted in the Navy, where he worked as part of an elite Navy SEAL team.

On that fateful day in July, Petty Officer Steven and his team were returning from an important mission when their vehicle struck an IED, killing him and the two other members of his unit. According to the National Security Agency, the work he and his team performed earlier in the day played a decisive role in thwarting a dangerous group of insurgents trying to kill coalition forces. Today, across from our Nation's Capitol, Steven rests in peace in the sacred ground of Arlington National Cemetery.

Steven was respected by his peers as a professional and dedicated cryptologic technician, and his work was vital to the success of important combat missions. He was a decorated Sailor, having been awarded a Bronze Star (with combat "V" for Valor), the Purple Heart, a Combat Action Ribbon and other medals and commendations. His name is inscribed on National Security Agency's Memorial Wall, "They Served in Silence." Steven is also the first formal recipient of the National Intelligence Medal for Valor.

Steven was a loving 28-year-old father to an adoring 5-year-old son; a loyal brother to three fellow warfighters—two Airmen and one Soldier, Richard, Robert, and Kristine; and a faithful son to his parents, Thomas and Lydia.

Most of all, Steven P. Daugherty was a patriot who gave the full measure of devotion defending America's freedom.

In naming this important building to honor the sacrifice of Petty Officer Steven P. Daugherty, the Navy dedicates to him the latest addition to the Nation's premiere Joint Warfare Assessment Laboratory at the Naval Surface Warfare Center, Corona Division. The Daugherty Memorial Assessment Center will stand as an ever-present reminder of Steven—and to every Sailor, Marine, Soldier, and Airman who has given their life in defense of this country. This dedication also commemorates the groundbreaking work NSWC, Corona is doing to support the Joint IED Defeat Organization in its mission to combat the threat of IEDs against our Armed Forces.

In addition to supporting needed counter-IED efforts, the Daugherty Memorial Assessment Center greatly enhances NSWC Corona's ability to support key national missions. NSWC, Corona will provide Strike Group interoperability assessment needed to certify ships for deployment; provide critical flight analysis for all Navy surface missile systems; provide performance assessment of Aegis and Aegis Ballistic Missile Defense ships throughout their entire lifecycle; and finally, NSWC, Corona will centralize, process, and distribute the Navy's combat and weapon system data on one of the largest classified networks in the Department of Defense.

The Daugherty Memorial Assessment Center is a state-of-the-art analysis and assessment asset that gives the Nation extensive capability to protect our Armed Forces, our country, and our freedom. May the new Daugherty Memorial Assessment Center serve as a reminder to the men and women who carry out the mission of NSWC, Corona how very important their work is to our troops. And may we pledge to always remember Steven P. Daugherty; the goodness he brought to our world and the sacrifice he has made will never be forgotten.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2346, Supplemental Appropriations Act.

Senate agreed to H. Con. Res. 133, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S5767–S5889

Measures Introduced: Forty-five bills and ten resolutions were introduced, as follows: S. 1115–1159, S. Res. 155–163, and S. Con. Res. 24. **Pages S5818–20**

Measures Passed:

Supplemental Appropriations Act: By 86 yeas to 3 nays (Vote No. 202), Senate passed H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, as amended, after taking action on the following amendments proposed thereto: **Pages S5770–S5804**

Adopted:

Leahy/Kerry Amendment No. 1191, to provide for consultation and reports to Congress regarding the International Monetary Fund. **Pages S5771, S5798**

Brown Modified Amendment No. 1161, to require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints. **Pages S5771, S5799**

Corker Modified Amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan. **Pages S5770, S5799**

Kaufman Modified Amendment No. 1179, to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations. **Page S5771**

McCain Modified Amendment No. 1188, to make available from funds appropriated by title XI an additional $42,500,000 for assistance for Georgia. **Pages S5771, S5799**

Graham (for Lieberman) Modified Amendment No. 1157, to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). **Pages S5770–71, S5799**

Lincoln Modified Amendment No. 1181, to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations. **Page S5771**

Reid (for Hutchison) Modified Amendment No. 1176, to help communities impacted by Hurricane Ike. **Page S5799**

Rejected:

By 30 yeas to 64 nays (Vote No. 201), Merkley (for DeMint) Amendment No. 1138, to strike the provisions relating to increased funding for the International Monetary Fund. **Pages S5771, S5782–87**

During consideration of this measure today, Senate also took the following action:

By 94 yeas to 1 nay (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S5771**

Chair sustained a point of order that the following amendments were not germane post-cloture, and the amendments thus fell:

Bennet/Casey Amendment No. 1167, to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children. **Page S5771**

Reid Amendment No. 1201 (to Amendment No. 1167), to change the enactment date. **Page S5771**

Hutchison Amendment No. 1189, to protect auto dealers. **Pages S5771, S5780–81, S5788–90**

Risch Amendment No. 1143, to appropriate, with an offset, an additional $2,000,000,000 for National Guard and Reserve Equipment. **Page S5771**

Kyl/Lieberman Amendment No. 1147, to prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran. **Page S5771**

Lieberman Amendment No. 1156, to increase the authorized end strength for active duty personnel of the Army. **Pages S5570, S5801–04**

Isakson Amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit. **Page S5770**

Chambliss Amendment No. 1144, to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base. **Page S5770**

Cornyn Amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned.

Pages S5770 S5775–77, S5799–S5801

Chair sustained a point of order that the following amendment contains sense of the Senate language and therefore, is dilatory under cloture, and the amendment thus fell:

Merkley/Whitehouse Amendment No. 1185, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States-Iraq Status of Forces Agreement.

Page S5771

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Byrd, Leahy, Harkin, Mikulski, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Lautenberg, Nelson (NE), Pryor, Tester, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich, and Murkowski. **Page S5804**

Shi'ite Personal Status Law in Afghanistan: Senate agreed to S. Con. Res. 19, expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Page S5883**

Reid (for DeMint) Amendment No. 1224, to amend the preamble. **Pages S5883–84**

Yvonne Ingram-Ephraim Post Office Building: Senate passed H.R. 663, to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building", clearing the measure for the President. **Page S5884**

Stan Lundine Post Office Building: Senate passed H.R. 918, to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building", clearing the measure for the President. **Page S5884**

Major Ed W. Freeman Post Office: Senate passed H.R. 1284, to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office", clearing the measure for the President. **Page S5884**

Brian K. Schramm Post Office Building: Senate passed H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building", clearing the measure for the President. **Page S5884**

Condemning Burmese State Peace and Development Council Actions: Senate agreed to S. Res. 160, condemning the actions of the Burmese State Peace and Development Council against Daw Aung San Suu Kyi and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.

Pages S5884–85

National Hereditary Hemorrhagic Telangiecstasia (HHT) Month: Senate agreed to S. Res. 161, recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States. **Page S5885**

Langston Golf Course and African-American Golf History: Senate agreed to S. Res. 162, recommending the Langston Golf Course, located in northeast Washington, DC and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history.

Pages S5885–86

National Childhood Stroke Awareness Day: Senate agreed to S. Res. 163, expressing the sense of the Senate with respect to childhood stroke and designating an appropriate date as "National Childhood Stroke Awareness Day". **Page S5886**

Adjournment Resolution: Senate agreed to H. Con. Res. 133, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Pages S5886–87

Measures Considered:

Railroad Antitrust Enforcement Act—Cloture Agreement: Senate began consideration of the motion to proceed to consideration of 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. **Page S5887**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, May 21, 2009, a vote on cloture will occur on Tuesday, June 2, 2009. **Page S5887**

Subsequently, the motion to proceed was withdrawn. **Page S5887**

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 3:00 p.m., on Monday, June 1, 2009. **Page S5888**

Family Smoking Prevention and Tobacco Control Act—Cloture Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System. **Page S5887**

A motion was entered to close further debate on the motion to proceed to consideration of 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 Tuesday, June 2, 2009. **Page S5887**

Subsequently, the motion to proceed was withdrawn. **Page S5887**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Thursday, May 21, 2009, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S5768**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S5887**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Friday, May 29, 2009, from 10 a.m. until 12 noon. **Page S5887**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, Senator Reed be authorized to sign duly enrolled bills or joint resolutions. **Page S5887**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy; which was referred to the Committee on Foreign Relations. (PM–21) **Pages S5816–17**

McCarthy Nomination—Agreement: A unanimous-consent agreement was reached providing that after a period of morning business, on Tuesday, June 2, 2009, Senate begin consideration of the nomination of Regina McCarthy, of Massachusetts, to be Assistant Administrator of the Environmental Protection Agency, and vote on confirmation of the nomination. **Page S5887**

Nominations Confirmed: Senate confirmed the following nominations:

Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

Florence Y. Pan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2012.

Cameron F. Kerry, of Massachusetts, to be General Counsel of the Department of Commerce.

Sandra Brooks Henriquez, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

Judith A. McHale, of Maryland, to be Under Secretary of State for Public Diplomacy.

Philip J. Crowley, of Virginia, to be an Assistant Secretary of State (Public Affairs).

John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education for a term of six years.

Priscilla E. Guthrie, of Virginia, to be Chief Information Officer, Office of the Director of National Intelligence.

John D. Porcari, of Maryland, to be Deputy Secretary of Transportation.

Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Robert Orris Blake, Jr., of Maryland, to be Assistant Secretary of State for South Asian Affairs.

Rebecca M. Blank, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

Peter M. Rogoff, of Virginia, to be Federal Transit Administrator.

Michael S. Barr, of Michigan, to be an Assistant Secretary of the Treasury.

J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.

Aneesh Chopra, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

5 Air Force nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, National Oceanic and Atmospheric Administration, and Navy.

Pages S5888–89

Nominations Received: Senate received the following nominations:

Paul T. Anastas, of Connecticut, to be an Assistant Administrator of the Environmental Protection Agency.

Nancy J. Powell, of Iowa, to be Director General of the Foreign Service.

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years.

Routine lists in the Air Force, Army, and Navy.

Page S5888

Messages from the House: **Page S5817**

Measures Referred: **Page S5816**

Enrolled Bills Presented: **Page S5817**

Executive Communications: **Pages S5816–18**

Petitions and Memorials: **Page S5818**

Executive Reports of Committees: **Page S5818**

Additional Cosponsors: **Pages S5820–22**

Statements on Introduced Bills/Resolutions: **Pages S5822–74**

Additional Statements: **Page S5813**

Amendments Submitted: **Pages S5879–81**

Notices of Hearings/Meetings: **Page S5881**

Authorities for Committees to Meet: **Pages S5881–82**

Record Votes: Three record votes were taken today. (Total—202) **Pages S5771, S5787, S5804**

Adjournment: Senate convened at 9 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 133, at 9:51 p.m., until 2 p.m. on Monday, June 1, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5888.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NATIONAL INSTITUTES OF HEALTH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Institutes of Health, after receiving testimony from Raynard S. Kington, Acting Director, Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, Elizabeth G. Nabel, Director, National Heart, Lung, and Blood Institute, and John E. Niederhuber, Director, National Cancer Institute, all of the National Institutes of Health, Department of Health and Human Services.

APPROPRIATIONS: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Aeronautics and Space Administration, after receiving testimony from Christopher J. Scolese, Acting Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS: FOOD AND DRUG ADMINISTRATION

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Food and Drug Administration, after

receiving testimony from Joshua M. Sharfstein, Acting Commissioner, and Patrick McGarey, Director, and Norris Cochran, Deputy Assistant Secretary, both of the Office of Budget, all of the Food and Drug Administration, Department of Health and Human Services.

APPROPRIATIONS: GOVERNMENT ACCOUNTABILITY OFFICE, GOVERNMENT PRINTING OFFICE, AND THE CONGRESSIONAL BUDGET OFFICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Government Accountability Office, the Government Printing Office, and the Congressional Budget Office, after receiving testimony from Gene L. Dodaro, Acting Comptroller General, Government Accountability Office; Robert C. Tapella, Public Printer, Government Printing Office; and Douglas W. Elmendorf, Director, Congressional Budget Office.

DEPARTMENT OF THE AIR FORCE BUDGET

Committee on Armed Services: Committee concluded a hearing to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for the Department of the Air Force, after receiving testimony from Michael B. Donley, Secretary of the Air Force, and General Norton A. Schwartz, USAF, Chief of Staff of the Air Force, both of the Department of Defense.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Department of Transportation, Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade, Sandra Brooks Henriquez, of Massachusetts, to be Assistant Secretary of Housing and Urban Development for Public and Indian Housing, and Michael S. Barr, of Michigan, to be Assistant Secretary of the Treasury for Financial Institutions.

IMPORTED DRYWALL HEALTH AND PRODUCT SAFETY ISSUES

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine health and product safety issues associated with imported drywall, after receiving testimony from Senator Landrieu; Lori Saltzman, Director, Division of Health Sciences, United States Consumer Product Safety Commission; Michael McGeehin, Director, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention, Department of Health and Human Services; Elizabeth Southerland, Acting Deputy Director, Office of Superfund Remediation and Technology Innovation, Environmental Protection Agency; David Krause, Florida Department of Health State Toxicologist, Tallahassee; Randy Noel, The National Association of Home Builders, LaPlace, Louisiana; and Richard J. Kampf, Cape Coral, Florida.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the National Aeronautics and Space Administration, after receiving testimony from Christopher J. Scolese, Acting Administrator, National Aeronautics and Space Administration.

ECONOMIC DEVELOPMENT ADMINISTRATION

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the Economic Development Administration, after receiving testimony from Sandra R. Walters, Chief Financial Officer, Chief Administrative Officer, Economic Development Administration, Department of Commerce; James Kennedy, Butler County Commissioner, Butler, Pennsylvania, on behalf of the National Association of Regional Councils; LaVern W. Phillips, Woodward Industrial Foundation, Woodward, Oklahoma; and Leanne Mazer, Tri-County Council for Western Maryland, Frostburg, on behalf of the National Association of Development Organizations.

U.S.-PANAMA TRADE PROMOTION AGREEMENT

Committee on Finance: Committee concluded a hearing to examine The United States-Panama Trade Promotion Agreement, after receiving testimony from Everett Eissenstat, Assistant United States Trade Representative for the Americas; James Owens, Caterpillar, Inc., Peoria, Illinois, on behalf of the United States Chamber of Commerce Business Roundtable; Thea Mei Lee, AFL–CIO, Washington, D.C.; and Sam Carney, National Pork Producers Council, Adair, Iowa.

STRATEGY FOR AFGHANISTAN AND PAKISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine a new strategy for Afghanistan and Pakistan, after receiving testimony from Admiral Michael G. Mullen, USN, Chairman of the Joint Chiefs of Staff, Department of Defense.

FINANCIAL REGULATORY LESSONS FROM ABROAD

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine financial regulatory lessons from abroad, after receiving testimony from David Green, former Head of International Policy, Financial Services Authority, London, United Kingdom; Jeffrey Carmichael, Promontory Financial Group Australasia, Republic of Singapore; W. Edmund Clark, TD Bank Financial Group, Toronto, Ontario; and David G. Nason, Promontory Financial Group LLC, Washington, D.C.

TRUST LANDS FOR INDIAN TRIBES

Committee on Indian Affairs: Committee concluded a hearing to examine executive branch authority to acquire trust lands for Indian tribes, after receiving testimony from Lawrence E. Long, South Dakota Attorney General, Sacramento, California, on behalf of the Conference of Western Attorneys General; Edward P. Lazarus, Akin Gump Strauss Hauer and Feld, LLP, Los Angeles, California; and W. Ron Allen, National Congress of American Indians, Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee announced the following subcommittee assignments:

Subcommittee on Administrative Oversight and the Courts: Senators Whitehouse (Chair), Feinstein, Feingold, Schumer, Cardin, Kaufman, Sessions, Grassley, Kyl, and Graham.

Subcommittee on Antitrust, Competition Policy and Consumer Rights: Senators Kohl (Chair), Schumer, Whitehouse, Wyden, Klobuchar, Kaufman, Specter, Hatch, Grassley, and Cornyn.

Subcommittee on the Constitution: Senators Feingold (Chair), Feinstein, Durbin, Cardin, Whitehouse, Specter, Coburn, Kyl, Cornyn, and Graham.

Subcommittee on Crime and Drugs: Senators Specter (Chair), Kohl, Feinstein, Feingold, Schumer, Durbin, Cardin, Klobuchar, Kaufman, Graham, Hatch, Grassley, Sessions, and Coburn.

Subcommittee on Immigration, Refugees and Border Security: Senators Schumer (Chair), Leahy, Feinstein, Durbin, Whitehouse, Wyden, Cornyn, Grassley, Kyl, and Sessions.

Subcommittee on Terrorism and Homeland Security: Senators Cardin (Chair), Kohl, Feinstein, Schumer, Durbin, Wyden, Kaufman, Kyl, Hatch, Sessions, Cornyn, and Coburn.

Subcommittee on Human Rights and the Law: Senators Durbin (Chair), Feingold, Cardin, Kaufman, Specter, Coburn, Cornyn, and Graham.

Senators Leahy and Sessions are ex-officio members of each of the Subcommittees.

RECOVERY ACT CONTRACTING AND ROLE OF SMALL BUSINESS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the role of small business in recovery act contracting, after receiving testimony from Joseph G. Jordan, Associate Administrator, Government Contracting and Business Development, Small Business Administration; Gerardo Franco, Chief, Procurement Assistance Division, Office of Small and Disadvantaged Business Utilization, Department of Transportation; Sharon Arnold, SSACC, Inc., Pontiac, Illinois; Joe Flynn, University of Tennessee Center for Industrial Services, Nashville, on behalf of the Association of Procurement Technical Assistance Centers; Sylvia Medina, North Wind, Inc., Idaho Falls, Idaho, on behalf of Women Impacting Public Policy; and Theresa Alfaro Daytner, Daytner Construction Group, Mt. Airy, Maryland.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following items:

S. 252, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans;

S. 407, to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 423, 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;

S. 475, to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency;

S. 669, to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes;

S. 728, to amend title 38, United States Code, to enhance veterans' insurance benefits, with an amendment; and

S. 801, to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers.

NOMINATIONS

Select Committee on Intelligence: Committee concluded a hearing to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency, and Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 117 public bills, H.R. 2537–2643; 2 private bills, H.R. 2644–2645; and 25 resolutions, H.J. Res. 54–55; H. Con. Res. 133–136; and H. Res. 469–473, 475–488 were introduced. **Pages H6008–6014**

Additional Cosponsors: **Pages H6014–16**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 915, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, and to provide stable funding for the national aviation system (H. Rept. 111–119, Pt. 2);

H. Res. 474, providing for consideration of the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security (H. Rept. 111–127); and

H.R. 1736, to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals, with an amendment (H. Rept. 111–128).

Page H6008

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Troy Ehlke, Christ Lutheran Church, Charlotte, North Carolina. **Page H5895**

Adjournment Resolution: The House agreed to H. Con. Res. 133, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 237 yeas to 184 nays, Roll No. 282. **Page H5904**

Privileged Resolution—Intent to Offer: Representative Bishop (UT) announced his intent to offer a privileged resolution. **Pages H5904–05**

Question of Privilege: The Chair ruled that the resolution offered by Representative Bishop (UT) did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 252 yeas to 172 nays, Roll No. 283. **Pages H5905–06**

Weapon Systems Acquisition Reform Act of 2009—Conference Report: The House agreed to the conference report to accompany S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, by a yea-and-nay vote of 411 yeas with none voting "no", Roll No. 286. **Pages H5898–H5900, H5907–12**

H. Res. 463, the rule providing for consideration of the conference report, was agreed to by a voice vote, after agreeing to order the previous question without objection. **Page H5907**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, May 19th:

Prevent All Cigarette Trafficking Act of 2009: H.R. 1676, amended, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes, by a ⅔ yea-and-nay vote of 397 yeas to 11 nays, Roll No. 287. **Pages H5912–13**

FAA Reauthorization Act of 2009: The House passed H.R. 915, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, and to provide stable funding for the national aviation system, by a recorded vote of 277 ayes to 136 noes, Roll No. 291. **Pages H5901–04, 5906–07, 5913–81**

Rejected the Campbell motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 154 ayes to 263 noes, Roll No. 290. **Pages H5978–80**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 111–126, modified by the amendment printed in part B of such report, shall be considered as adopted in the House and in the Committee of the Whole,

in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. **Page H5928**

Agreed to amend the title so as to read: ''To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2010 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.''. **Page H5981**

Agreed to:

Oberstar manager's amendment (No. 1 printed in part C of H. Rept. 111–126) that makes sundry changes to the bill; **Pages H5959–66**

Lee (NY) amendment (No. 2 printed in part C of H. Rept. 111–126) that requires GAO, within 3 months of enactment, to initiate a study into commercial airline pilot training and certification programs. The GAO shall submit the report to Congress within 12 months of the study's initiation; **Pages H5966–68**

Richardson amendment (No. 3 printed in part C of H. Rept. 111–126) that requires the Transportation Secretary, within 180 days of enactment, to issue regulations to require each air carrier to provide each of its passengers an option to receive a text message (or other comparable electronic service), subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier consisting of a notification of any change in the status of the flight of such passenger prior to boarding. This would only apply to air carriers that earn at least one-percent of the domestic passenger service revenue; **Pages H5968–69**

Cuellar amendment (No. 5 printed in part C of H. Rept. 111–126), as modified, that directs the FAA Administrator to study the FAA radar signal locations and their impact on the development of renewable energy technologies, and to make recommendations as necessary for relocation of FAA radars and testing and deployment as needed; **Pages H5970–71**

Murphy (CT) amendment (No. 7 printed in part C of H. Rept. 111–126) that provides that when conducting an appraisal for purchase or property under the Airport Improvement Program, the appraisal must not consider either the increased or decreased value of the property due to the property's inclusion in a potential project; **Page H5972**

Cassidy amendment (No. 8 printed in part C of H. Rept. 111–126) that amends section 417 (review of air carrier flight delays, cancellations, and associated causes) so that the Inspector General study includes the effect that limited air carrier service operations on routes have on the frequency of delays and cancellations on such routes; **Pages H5972–73**

Kilroy amendment (No. 9 printed in part C of H. Rept. 111–126) that requires the GAO to study, within one year of enactment, the effectiveness of FAA oversight activities related to preventing or mitigating the effects of dense continuous smoke in the cockpit of commercial aircraft; **Page H5973**

Lowey amendment (No. 11 printed in part C of H. Rept. 111–126) that directs the FAA to initiate a rulemaking process to determine the authorization of Westchester County Airport to reinstate limits on overnight aircraft operations; **Page H5975**

Ackerman amendment (No. 12 printed in part C of H. Rept. 111–126) that provides that Congress finds the FAA did not follow FAA policy statements in determining whether the proposed College Point Marine Transfer Station in New York if constructed would constitute a hazard to air navigation. It also requires the FAA Administrator to take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation; **Pages H5975–77**

Burgess amendment (No. 4 printed in part C of H. Rept. 111–126) that expresses the sense of Congress that FAA whistleblowers be granted the full protection of the law (by a recorded vote of 420 ayes with none voting ''no'', Roll No. 288); and **Pages H5969–70, H5977**

McCaul amendment (No. 6 printed in part C of H. Rept. 111–126) that prohibits authorized funds from being used to name a project or program for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress (by a recorded vote of 417 ayes to 2 noes, Roll No. 289). **Pages H5971–72, H5977–78**

Withdrawn:

Frelinghuysen amendment (No. 10 printed in part C of H. Rept. 111–126) that was offered and subsequently withdrawn that would have required the FAA to study the proposed New York/New Jersey/Philadelphia Class B modification design change. The study would determine the effect of the change on the environment, with an emphasis on airplane noise. The study would state whether the change was considered in conjunction with the New York/New Jersey/Philadelphia Airspace Redesign. **Pages H5974–75**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H5981**

H. Res. 464, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 234 yeas to 178 nays, Roll No. 285, after agreeing

to order the previous question by a yea-and-nay vote of 246 yeas to 175 nays, Roll No. 284.

Pages H5906–07

Public Interest Declassification Board—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he reappointed Admiral William O. Studeman of Great Falls, Virginia to the Public Interest Declassification Board. Page H5983

National Council on the Arts—Reappointment: Read a letter from Representative Boehner, Minority Leader, in which he reappointed Representative Tiberi to the National Council on the Arts.

Page H5993

Commission on Congressional Mailing Standards—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Commission on Congressional Mailing Standards: Representatives Davis (CA), Sherman, and Edwards (MD). Page H5993

Mexico-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Representatives McCaul, Dreier, Mack, Bilbray, and Nunes. Page H5993

Presidential Message: Read a message from the President wherein he transmitted the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–43). Pages H5983–84

Senate Message: Message received from the Senate today appears on page H5895.

Senate Referrals: S. 614 was referred to the Committees on Financial Services and House Administration. Page H6006

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H5904, H5905–06, H5906–07, H5907, H5912, H5913, H5977, H5978, H5979–80, H5980–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 9.27 p.m., the House stands adjourned until 3 p.m. on Monday, May 25, 2009 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 133, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Committee Meetings

LOW CARBON FUEL STANDARDS PROPOSALS

Committee on Agriculture: Held a hearing to review low carbon fuel standard proposals. Testimony was heard from public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FDA. Testimony was heard from John M. Sharfstein, M.D., Acting Commissioner, FDA, Department of Health and Human Services.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Defense Health Program. Testimony was heard from the following officials of the Department of Defense: Ellen Embrey, Deputy Assistant Secretary, Force Health Readiness and Protection; LTG Eric Shoomaker, Army Surgeon General, and Commander, U.S. Army Medical Command; VADM Adam M. Robinson, Surgeon General, U.S. Navy; LTG James G. Roudebush, USAF, Surgeon General, U.S. Air Force; and the following officials of the Joint Task Force Capital Region Medicine: VADM John M. Mateczun, USN., and BG Philip Volope, Deputy Commander, USA.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Nuclear Security Administration (NNSA): Nuclear Nonproliferation and Weapons. Testimony was heard from the following officials of the Department of Energy: Thomas P. A'Agostino, Under Secretary, Nuclear Security and Administrator of NNSA; A. Garrett Harencak, Principal Assistant Deputy Administrator, Military Application; and Kenneth Baker, Principal Assistant Deputy Administrator, Defense Nuclear Nonproliferation.

FINANCIAL SERVICES, GENERAL GOVERNMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, General Government and Related Agencies held a hearing on Treasury Department. Testimony was heard from Timothy Geithner, Secretary of the Treasury.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on the U.S. Geological Survey. Testimony was heard from Suzette Kimball, Acting Director, U.S. Geological Survey, Department of the Interior.

NATIONAL DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Air and Land Forces held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Army Acquisition, Reset, and Modernization Programs. Testimony was heard from Department of Defense: David G. Ahern, Director, Portfolio Systems Acquisition, Office of the Under Secretary, Acquisition, Technology, and Logistics; LTG N. Ross Thompson, III, USA, Military Deputy to the Assistant Secretary, Acquisition, Logistics and Technology, U.S. Army; and LTG Stephen M. Speakes, USA, Deputy Chief of Staff , G–8, U.S. Army.

NATIONAL DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request on Military Personnel Overview. Testimony was heard from the following officials of the Department of Defense: Gail H. McGinn, Acting Under Secretary, Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G–1; VADM Mark E. Ferguson, III, USN, Chief of Navel Personnel, Deputy Chief of Naval Operations, Total Force; LTG Ronald S. Coleman, USMC, Deputy Commandant, Manpower and Reserve Affairs, Headquarters, U.S. Marine Corps; and LTG Richard Y. Newton, III, USAF, Deputy Chief of Staff, Manpower and Personnel, Headquarters, U.S. Air Force.

NATIONAL DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for National Security Space and Missile Defense Programs. Testimony was heard from the following officials of the Department of Defense: GEN C. Robert Kehler, USAF, Commander, Air Force Space Command; and LTG Patrick J. O'Reilly, USA, Director, Missile Defense Agency.

STATE OF THE ECONOMY

Committee on the Budget: Held a hearing on the State of the Economy. Testimony was heard from Douglas Elmendorf, Director, CBO.

INCREASING STUDENT AID THROUGH LOAN REFORM

Committee on Education and Labor: Held a hearing on Increasing Student Aid Through Loan Reform. Testimony was heard from Robert Shireman, Deputy Under Secretary, Department of Education; John F. Remondi, Vice Chairman and Chief Financial Officer Sallie Mae; and public witnesses.

AMERICAN CLEAN ENERGY AND SECURITY ACT

Committee on Energy and Commerce: Ordered reported, as amended, H.R. 2454, American Clean Energy and Security Act of 2009.

OVERSIGHT—MUNICIPAL FINANCE

Committee on Financial Services: Held a hearing entitled "Legislative Proposals to Improve the Efficiency and Oversight of Municipal Finance." Testimony was heard from Martha Mahan Haines, Chief, Office of Municipal Securities, SEC; Bill Apgar, Senior Advisor to the Secretary, Department of Housing and Urban Development; David W. Wilcox, Deputy Director, Division of Research and Statistics, Board of Governors, Federal Reserve System; Thomas C. Leppert, Mayor, Dallas, Texas; and public witnesses.

SECTION 8 VOUCHER REFORM ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Section 8 Voucher Reform Act." Testimony was heard from Shaun Donovan, Secretary of Housing and Urban Development.

PIRACY

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism met in executive session to hold a briefing on piracy. Testimony was heard from departmental witnesses.

MILITARY AND OVERSEAS VOTING OBSTACLES AND POTENTIAL SOLUTION

Committee on House Administration: Held a hearing on Military and Overseas Voting: Obstacles and Potential Solutions. Testimony was heard from the following officials of the Department of Defense: Gail McGinn, Acting Under Secretary, Personnel and Readiness; and CAPT Patricia Garcia, USAF, Voting Assistance Officer, U.S. Air Force; Rokey Suleman, General Registrar, Fairfax County, Virginia; and Jessie Jane Duff, Gunnery Sergeant, U.S. Marine Corps (Ret.).

RAMIFICATIONS OF AUTO INDUSTRY BANKRUPTCIES

Committee on the Judiciary: Held a hearing on Ramifications of Auto Industry Bankruptcies. Testimony was heard from public witnesses.

FEDERAL COCAINE SENTENCING UNFAIRNESS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a held a hearing on Unfairness in Federal Cocaine Sentencing: Is it time to Crack the 100 to 1 Disparity? including discussion of the following bills: H.R. 1459, Fairness in Cocaine Sentencing Act of 2009; H.R. 1466, Major Drug Trafficking Prosecution Act of 2009; H.R. 265, Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009; H.R. 2178, Crack-Cocaine Equitable Sentencing Act of 2009; and H.R. 18, Powder-Crack Cocaine Penalty Equalization Act of 2009. Testimony was heard from Representatives Rangel, Jackson-Lee of Texas; Bartlett and Waters; Lanny A. Breuer, Assistant Attorney General, Criminal Division, Department of Justice; Ricardo H. Hinojosa, U.S. District Court Judge, Southern District of Texas and Acting Chair, U.S. Sentencing Commission; and public witnesses.

OVERSIGHT—FUTURE OF FOREST ECONOMY

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing on the Future of the Forest Economy. Testimony was heard from Representative Herger; Randy Moore, Regional Forester, Forest Service, USDA; Steve Wilensky, Calaveras County District 2 Supervisor, San Andreas, California; and public witnesses.

STAKEHOLDERS' VIEWS ON THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled ''Stakeholders' Views on the National Archives and Records Administration (NARA).'' Testimony was heard from public witnesses.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 2200, the ''Transportation Security Administration Authorization Act.'' The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the Committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Thompson of Mississippi and Representatives Snyder, Jackson-Lee of Texas, Dent, Souder, Daniel E. Lungren of California, Bachus, Mich and Hastings of Washington.

SMALL BIOFUELS AND FAMILY FARMERS

Committee on Small Business: Subcommittee on Regulations and Healthcare held a hearing entitled ''Impacts of Outstanding Regulatory Policy on Small Biofuels Producers and Family Farmers.'' Testimony was heard from Cheryl Cook, Deputy Under Secretary, Rural Development, USDA; Margo Oge, Director, Office of Transportation and Air Quality, Office of Air and Radiation, EPA; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following bills: H.R. 1522, United States Cadet Nurse Corps Equity Act; H.R. 1982, Veterans Entitlement to Service (VETS) Act of 2009, and H.R. 2270, Benefits for Qualified World War II Veterans Act of 2009. Testimony was heard from Representatives Lowey and Kilpatrick, of Michigan; and Bradely G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on the following

bills: H.R. 1037, Pilot College Work Study Programs for Veterans Act of 2009; H.R. 1098, Veterans Worker Retraining Act of 2009; H.R. 1168, Veterans Retraining Act of 2009; H.R. 1172, 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; H.R. 1821, Equity for Injured Veterans Act of 2009; H.R. 1879, National Guard Employment Protection Act of 2009; and H.R. 2180, To amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service. Testimony was heard from Representative Coffman; Keith M. Wilson, Director, Office Education Service, Veterans Benefits Administration, Department of Veterans Affairs; and John C. McWilliam, Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor.

TAX-EXEMPT AND TAXABLE GOVERNMENT BONDS ISSUES

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on issues involving tax-exempt and taxable government bonds. Testimony was heard from Alan Krueger, Assistant Secretary, Economic Policy, Department of the Treasury; Patrick McCoy, Director of Finance, Metropolitan Transportation Authority, New York State; and public witnesses.

BRIEFING—EXECUTIVE OVERVIEW

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Executive Overview. Testimony was heard from Michael Morrell, Director of Intelligence, CIA.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MAY 22, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Still Post-Katrina: How FEMA Decides When Housing Responsibilities End, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

2 p.m., Monday, June 1

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 146, Railroad Antitrust Enforcement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, June 2

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1256
Adler, John H., N.J., E1246
Andrews, Robert E., N.J., E1239
Bachmann, Michele, Minn., E1233, E1249, E1253
Becerra, Xavier, Calif., E1226
Berman, Howard L., Calif., E1228, E1252
Bilbray, Brian P., Calif., E1255
Bishop, Timothy H., N.Y., E1235
Blumenauer, Earl, Ore., E1236, E1245, E1255
Bordallo, Madeleine Z., Guam, E1245, E1248, E1253
Burgess, Michael C., Tex., E1243, E1245, E1247, E1249, E1251, E1252
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